VI

App. F. IX-4

1928.

File No. 39-18

Previous References (Legis)

Serial Nos. 1-5

134

M.J. 2457

Later References

L.C. Correspondence relating to this file has been separately recorded as B collection 66/125-29(4)

General and Revenue Secretariat.

Serial Nos. Fine

A.

Manuscript **Part I for** September 1923

SUBJECT

Amendment of the Breach of Contract Act.

Manaswamy Iyengar
27.4.27

~~Previous reference~~ File No. 39-18

GOVERNMENT OF His HIGHNESS THE MAHARAJA OF MYSORE.

Proceedings of the General and Revenue Secretariat.

For September 1923

Local and Legislative (Legislation)
Amendment of the Breach of Contract Act, 1859

"A" Collection Serial No 1-5

Table of Contents.

Serial No	Number and date of letter and contents	Page in A Proceedings
	To the Registrar, Chief Court No. J 3871dated 22-3-1918. Calls for the opinion of the Chief Court in the matter of the amendment of the Breach of Contract Act. From the Registrar, Chief Court No 852 dated 10-4-1918. Forwards the opinion of the Judges of the Chief Court in the matter. To the District Magistrates of Districts No. J4420-7 dated 3-5-18 Requests to furnish information about the number of women against whom processes under the Breach of Contract Act were issued, the number arrested and imprisoned within the last ten years. From the Disttict Magistrate, Tumkur, No. Dis 227 dated 17-5-18. States that there have been no cases under the Breach of Contract Act against women during the last ten years.	

1918

~~Previous records~~ File No. 39-18

GOVERNMENT OF His HIGHNESS THE MAHARAJA OF MYSORE.

Proceedings of the General and Revenue Secretariat.

For September 1923

Local and Legislative (Legislation)

Amendment of the Breach of Contract Act, 1859.

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	From the Disttict Magistrate, Tumkur, No. Dis 227 dated 17-5-18. States that there have been no cases under the Breach of Contract Act against women during the last ten years.	

S5 M4

Sl No

From the District Magistrate, Bangalore, No 952 dated 30-5-18.

States that all the Magistrates except the Amildar Magistrates of Anekal, Chennapatna and Magadi Taluks have sent in their reports stating that no processes were issued against women during the last ten years.

From the Dist. Magte., Bangalore, No 157 dated 13-6-18.

Intimates that the Amildar Magistrates of Anekal, Chennapatna and Magadi report that no processes were issued against women in their courts.

Form the Dist. Magte, Kadur, No 71 dated 25-6-18,

Forwards a statement furnishing particulars about the number of women arrested etc., under the Breach of Contract Act.

From the Dist. Magte., Shimoga, No Jc 773 dated 1-7-18.

States that there were only two cases under the Breach of Contract Act in the Sagar Taluk Magistrate's Court within the last ten years.

rom the Dist. Magte., Chitaldrug, No 523 dated 5-7-18.

States that processes were issued against three women all of whom were acquitted.

From the Dist. Magte., Mysore, No 1546 dated 7-8-18.

States that there was only a single complaint lodged in the court of Ist Class Magistrate French Rocks and that it was dismissed and adds that no cases were received in other courts except in that of Malavally whose report is not yet received.

From the Dist. Magistrate, Mysore, No D2 Dis 126 dated 17-8-18.

Sl No

States that the Amildar Magistrate of Malavally Taluk reports that no warrants against women under the Breach of Contract Act were issued, none arrested and imprisoned during the last ten years.

From the Dist, Magte., Kolar, No D2 Dis 77 dated 5-9-18.

States that from the reports received from the several Magistrates it is found that no processes of the kind under reference were issued from any of the courts in the District.

From the Dist. Magte., Hassan, No ROC 479-17 dated 6-9-18.

Submits a statement of women against whom processes under the Breach of Contract Act were issued.

To the Dy Commrs., of Hassan and Kadur, No G 9651-2 dated 28-11-18.

Request to consult the PlantersAssociation both European and Indian and the R. A. Members of the Districts and intimate their opinion .

From the Dy Commr., Kadur, No H C 283 dated 11/12 -2-1919

States that out of the Planters Association and the R A , the Members so far consulted are in favour of the proposed amendment and proposses to intimate the opinion of the remaining Members later on their receipt.

rom the Dy Commr Hassan, No R O C 259 dated 27-2-1919.

Furnishes the opinion of the Planters Association and the Members of the R A re the proposed amendment.

From the Dy Commr., Kadur, No D2 Dis 318 dated 1-3-1919.

SL NO

States that four gentlemen have replied that they are not in favour of the amendment.

1 To the First Assistant to the Resident in Mysore. No Pol 740 dated 10-1-1921.

Forwards a copy of the Bill to amend the Breach of Contract Act, 1859 together with statement of objects and reasons and intimates that the Bill will be placed before the Legislative Council in due course.

2 From the First Assistant Resident in Mysore No 865 dated 27-1-1921.

States that there is no prima facie objection to the Bill being introduced into the Legislative Council.

3 To the Secy to the Resident in Mysore, No Pol 65 dated 25-7- 1923.

Forwards two copies of the Bill and requests to obtain the sanction of the Govt. of India to pass the Bill on the 11th April 1923.

4 From the Secy to the Resident In Mysore, No 6305 dated9th August 1923.

States that the Governor-General in Council has accorded his consent to the Bill.

5 To the Compiler, Mysore Gazette, GO.No. P1753 dated 23-9-1923.

Ordered that the Regulation to amend the Breach of Contract Act, 1859 which received the assent of His Highness the Maharaja, on the 4th day of September 1923, be published as Regulation No XI of 1923.

T. V. R.

G. R. S. III—1] 1917-18

GENERAL AND REVENUE SECRETARIAT.

(~~Courts~~ Legis)

NOTES.

39-18

File No. ~~188-17~~

FILE HEADING.

~~In the matter of the~~ Amendment of the Breach of Contract Act (P. A ~~Subject No. 61 of 1917.~~)

From

No.	Dated	Received

Diary No.	Enclos.	Spare Copies.	Serial No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

WD 1232—GPB—20,000—18-11-13

Legis 89-18

Ex 188-17.

SUBJECT No. 61.

Amendment of the Breach of Contract Act.

Mr. Dyavegowdana Bannur Municipality. Mayappa

Summary of discussion.—Coolies to whom moneys are advanced run away beyond the State without fulfilling their contracts. To prevent this, the offence under the Breach of Contract Act may be made triable by all Magistrates and reciprocity between Mysore and British India secured in the execution of processes issued under the Act.

CIN. & REV. SECRETARIAT III JUDICIAL 7 FEB 1918

Messrs. C. Srinivasa Rao and C. Vasudeva Rao—Warrants against women should be prohibited and women should be exempted from the operation of the Breach of Contract Act.

Per contra :—*Messrs. Alasingrachar and Sivappa.*—The coffee plantations will suffer if the above suggestion is adopted, as in many instances women act as maistries and take up large contracts.

Reply of Government.—The question of amending the regulation as regards the arrest of women will be considered.

Reciprocity is not possible. The question of empowering all magistrates will be considered.

Submitted for orders. A copy of the Act XIII of 1859 is put up

ASR 1913

2. Draft letter to chief courts requesting their opinion may be put up

Srinivasa Rao 1913

3. Draft sent ASR 1913

Srinivasa Rao 1913

4. Accepted. Issue letters

19/3

Send.

To the Registrar each court No 3871.

22nd March 1918

Calls for opinion in the matter of the amendment of the Breach of Contract Act.

2464

Legs 95 16
~~Ch~~ File No. 488 of 1917

Serial No. 2

From

The Regr. Chief Court no. 852 & 10.6.18

Forwards the opinion of the Judges-

Subd.

K.N. 16/4

5 The majority of the Judges are in favour of empowering all Magistrals to try cases under the Breach of Contract Act. ~~Now~~ Now, whenever a district Magistrate considers that any particular subordinate Magistrate should be empowered to try cases under the Breach of Contract Act, invariably without any delay the Magistrate is invested with the required powers. All the Magistrates in the Coffee Planting districts are generally invested with these powers. The important point for order whether a general order should be issued that every Magistrate, irrespective of the question of grievous, ~~should~~ should be invested with the powers

6. Then as regards the question of exempting the women from the operation of the Act, the Second & third Judge of the Chief Court are of opinion that women should not be liable to arrest, but the chief Judge has given some reasons for the contrary view. After all, there is no information whether any case has actually been brought against any woman, and whether any women have been arrested ~~and~~ under the provisions of the Act. In the absence any definite information on the matter, the question seems to be one of pure academical interest. If approved, ~~may~~ the

NOTE—Contn. sheet.

GPB—50,000—12-8-10

WD 1233—GFB—60,000—1-12-16—S

G. R. S. III-2)

General and Revenue Secretariat.

File No. 188 of 1917.

Serial No.	
	District Magistrate will be requested to supply information as to the number of women against whom proceedings were issued within the last 10 years, the number arrested, the number imprisoned. Since the Law has undergone subject to the sanction of British India, modification which has been made on some cogent and substantial grounds.
	Bhimasayer 1/5/7
	Home Department
3787 20.4.18	7) The information is also required for the Assembly's consideration, when the Bill is introduced, so that all the papers and documents may be ready.
	Draft Bill.
	10/4. 8 Draft Bhimasayer 20/4
	9 Draft Subd.
	KW. 30/4 Mr. N.M. to Issue
3	To the Secretary to the Govt of India Bhimasayer 30/4
	No. 4420-7 3rd May 1918
	Requests to furnish information about the number of women against whom proceedings under the Breach of Contract Act were issued, the number arrested and the number imprisoned within

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat. | Legs File No. 89 of 1915.

Serial No.	
	the last ten years.
4	From The Dt. Magte of Tumkur no. Dis 2278/17.5.18 States that there have been no cases under the Breach of Contract Act against women during the last ten years.
	Subd The replies from the other Dt. Magtes may be awaited. KV. 21/5
5	From The D.C.M Bangalore no 952 30th May 1918. States that all the Magistrates except the Amildar Magte of Anekal Channapatna and Magadi Talukes have sent in their reports stating that no processes were issued against women during the last ten xx + in the further report from the D.C.M. Bangalore and Subd The replies from the other Dt Magistrates may be awaited. C.M. 1.6.18
6	From D.C.M. Bangalore The Same Affair no. 1578/13.6.18 Intimates that the Amildar Magtes of Anekal, Channapatna & Magadi report that no processes were issued against women in their courts. Subd. The replies from the other Dt. Magtes may be awaited. KV. 19/6

NOTE—Contn. sheets.

G. R. S. III-2j

General and Revenue Secretariat.

File No. 1 ~~86~~ 89 of 191X.

Serial No.	
7	From The Dt. Magte of Kadur no. 71 & 25.6.18 Forwards a statement furnishing particulars about the number of women arrested under the Breach of Contract Act. 14 Subd. The statements from the other Dt. Magtes may be awaited. K.V. 1/7
8	From The Dt. Magte of Shimoga no. Je 773 & 1.7.18 States that there were only 2 cases under Breach of contract Act in the Sagar Taluk Magtes court within the last ten years. 15 Subd. Reminders are under issue to the other Dt. Magtes from whom replies are due". K.V. 6/7 8/7
9	From The Dt. Magte of Chitaldrug no. 525 & 5.7.18 States that process were issued against 3 women, all of whom were acquitted. 16 Subd. ~~for perusal~~ with reference to paras 5 & 6). Replies are still due from the D.M.s of Mysore, Hassan and Kolar K.V. 9/7 9/7 10/7 1/7) Issued reminders 8/7
10	From, The Dt. Magte. of Bangalore no. 1576 & 7-8-18. States that only a single complaint was lodged in the Court of 1st. Class Magistrate Tumkur Taluk & dismissed the same day and that there were no cases in other courts and that report from Doddaballapur taluk is not received yet.

NOTE—Contn. sheet.

SUBJECT No. 51.

Amendment of the Breach of Contract Act to exclude women.

Mr. C. Srinivasa Rao, Chikmagalur taluk.

Summary of discussion.—The Breach of Contract Act may be amended so as to exclude women from its operation.

Mr. Rasool Khan.—The advance of money is generally taken by the husband, even where the contract is with a woman. It is not right that the wife should be proceeded against.

GEN. & REV. SECRETARIAT
III
JUDICIAL
22 JUL 1918

Mr. S. Venkatesiah.—A woman's name is also generally included in the contract with the intention of terrifying and inducing the person to whom the money is advanced to work it out or pay the money back. In such cases, warrants against the woman should not be issued.

Mr. M. Venkataramiah.—When a warrant is taken against the bread winner (whether man or woman) and that person is lodged in prison, the little ones under his or her protection will be left destitute. The Breach of Contract Act itself should be repealed.

Reply of Government.—Will be considered.

1) Subd. Information regarding the number of women against whom processes under the Act were issued during the past ten years has been called for from the Dt. Magtes. Particulars are still due from the Dt. Magtes of Mysore, Hassan & Kolar & a reminder has recently been issued.

may this be kept along with those papers

Vide Ch's file 188-17 (circled)

W.N. 29/7 S.V.S. 29/7

2) YS. Gr.

2. to be kept with the notes in Ch's 188-17 29/7

G. R. S. 111-2]

General and Revenue Secretariat.

File No. of 191X.

Serial No.	
10	From The Dt. magte. Mysore Dt. No. 1546/14-18 dy 7-8-18. States that there was only a single complaint lodged in the Court of 1st Class magte, Thirthahalli & that it was dismissed the very day and adds that no cases were received in other courts except in that of Malnad whose report is not yet received. 20) Replies from the Dt. magtes of Kolar and Bangalore are still due. The Dt. magte of Kolar has however sent an advl interim reply that the information regd will be forwarded on receipt of replies from some of the Taluks. 86 Sent. 13/8. 13/8. 21) Issue an urgent D.O. reminder dy 14/8. 22) Draft D.O. for put up 86 14/8. 14/8 23) Issue dy 14/8. Issued dy 3668-4 dy 17-8-18

Note—Contn. sheet.

Serial No.

11 From the District Magistrate, Mysore
No. D2 Dis 126/Jude 18-19 dt/17-8-18

States that the Amildar Magistrate of Malavalli Taluq reports that warrants against women under the Breach of Contract Act were issued, none arrested and fined by the Taluq Court during the last ten years.

(24) Reports are still due from the Deputy Magistrates of Kolar & Hassan to whom D.O reminders were issued on the 17th. Particulars from them may be awaited

8/10/18.
21/8.

From the Dy. Magte. Kolar
D.O. No. 73 dt 20-8-1918
States that information regd. in Sl. No. 9 will be furnished on the receipt of reports from all the taluks & that the matter is being treated as urgent. Sl. No. 9 for information. The full report may be awaited

8/21/18.
24/8

NOTE—Continued on sheet.

G. R. S. III-2]

General and Revenue Secretariat.

~~1881~~ File No. 188 99 of 1917

Serial No.

12 From, the D. M Kolar
D2 Dis 77/18-19 Dt 5-9-18

States that from the reports received from the several magistrates it is found that no process of the kind under reference were issued from any of the Courts in the District

13 From, The D. M, Hassan.
R. O. C No. 479-17/Judl Dt 6-9-18

Submits a Statement of women against whom processes under the Breach of Contract Act XIII of 1859 were issued.

13) Subd. for orders

2) The Dt. Magistrates of Kolar, Bangalore & Tumkur report that no processes against women were issued under the Breach of Contract Act in their districts within the last ten years

12) The D. M. Kadur Dt. reports that processes were issued against 678 women of whom 268 were arrested and 3 ~~imprisoned~~

13) The D. M. Shimoga Dt. reports that 3

Gs 12, 5th, 4

7. 11

8

NOTE—Contn. sheet.

WD A 1739—GPB—60,000—20-3-18—S.

G. R. S. III-2]

3967

General and Revenue Secretariat. | ~~Legislative~~ File No. 39 of 191 .

Serial No.

as to prohibit arrest and imprisonment of women in cases under the Act. The majority of Judges are in favour of abolishing the provision against imprisonment of women. The Chief Judge has no views either way. The Act is in force in British India about one half a century, & no amendment has been proposed in this spirit. On the other hand, the humanitarian ~~principle~~ point of view that a woman should not be arrested ~~in~~ none that deserves special ~~encouragement~~ sympathy at the hands of Govt

Home Member 21/9

~~Chief Secretary~~

First Member

Recd 18/10/18

21) It is only from the humanitarian point of view that the proposed amendment can be supported. On legal & constitutional grounds it is open to serious objection. There is no reason why exception should be made in the case of women. I therefore do not think either way the Legislature may decide to consider it to be necessary to amend the Act in this manner proposed

1737 30/10/18

30/10/18

21) Reg. As discussed at meeting

APH Secretary to Govt 31/10

31/10

NOTE—Contn. sheet.

2393 1.11.18

21) Circulate (3) Govts

P. 30 C.S. 31/10/18 11.11.18

WD A 1789—GPB—60,000—20-8-18—S.

Serial No.

women were arrested under the Act & let off.

16) The D. M. Chikmagalur Dt. reports that processes were issued against 3 women, all of whom were arrested but none were convicted.

No 10 & 11

19) D. M. Mysore reports that only a single complaint was lodged against a woman, but was dismissed.

Sl 13

18) D. M. Kanara reports that processes were issued against 85 women, all of whom were arrested, but none were imprisoned

17 tabular statement showing the above information is put up S.V.S.

19 Statistics for the last ten years show that the only Dts in which Mysore processes have issued against women are Kadur & Hassan. In Tumkur, Mysore Bangalore & Kolar there have been no cases. In Shimoga & Chikmagalur there were 2 & 3 cases for the last 10 years, and these 2 cases were withdrawn in Shimoga.

19 The question therefore is whether the Act may be amended to

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat. | Legs Ch. File No. 284-85 of 1917

Serial No.

(2)

As regards investment of powers it seems to me that, judging from the Statistics available, no case has been made out for a general investment of them. The districts the magistracies in which require to be invested with these powers are Kadur, Hassan & Shimoga the three Malnaad areas. & so long as this condition is fulfilled it does not appear to be necessary to do more. In the matter of the arrest of women offenders, the only two districts where the necessity arises or exists are Kadur & Hassan. It is a matter for Sessions consideration whether the law needs to be amended to provide for this contingency to any extent it does not appear to be desirable. The position here is identical with what it is in British India & the Govt have not found it necessary to make any such amendment. It might well continue therefore, for the present.

Reel
15.11.18

NOTE—Contn. sheet.

C.355. Regular 14

D ~~1~~ 3967

Subject.-Clause ii of the Schedule.

Amendment of the Breach of ~~the~~ Contract Act.

Opinion of the Council.

Consult Planters' assocns & Ryots leading representatives in Kan & Kadan Dts

Note

25) Consult Planters' assocns (European & Indian) & the R-A. members of Kadan & Hassan Dts about amendment re exempting CSX

C.S. Balasundaram Iyer
21/11/48

26) Forwarded to the Assistant Secretary Protection Branch, for necessary early action.

C.S. Balasundaram Iyer
22/11/48

27) Draft

C.355. Regular. 14

3967

Subject.-Clause ii of the Schedule.

Amendment of the Breach of ~~the~~ Contract Act.

Opinion of the Council.

Consult the Planters' assocns & Mr D-- leading representatives in Kandy & Kadugannawa

Note

28/11/47 Consult Planters' assocns (European & Indian) & the R-A. members of Kadugannawa & Hassanna DSs about amendment re exempting Ceylon Government Railway

C.S. Balasundaram Iyer
21/11/47

26/11/47 Forwarded to the Assistant Secretary Protection Branch, for necessary early action.

C.S. Balasundaram
22/11/47

27/11/47 Draft

G. R. S. III-2]

General and Revenue Secretariat.

Dept. File No. 3967 / 10965 / 688 of 1917.

Serial No.	
	13) Enclosed with a draft to the D.C.s of Kadur & Hassan
	E.G. 12/11
14	To The Dy Comr Kasaragod / The Dy Comr Kadur &c / No. 9965/1-2 dt 28-11-18. Requests to Consult the Planters association both European & Indian and the AA members of the Bd and intimate their opns as early as possible.
15	From The Dy Comrs Kadur H.C. 283 dt 11-12-18 States that out of the Planters Association & the R.A, the members so consulted are in favour of the proposed amendment & proposes to intimate the opinion of the remaining members later on. Requests 13) Enclosed for perusal. The opn from the D.C. Hassan may be awaited is still due. A draft reminder is put up. SGV 17/12/18 Asst

NOTE—Contn. sheet.

12 DEC 1918

WD A 1789—GPB—60,000—20-3-18

R. S. III-2]

General and Revenue Secretariat. | File No. 1868 of 1919.

Serial No.	
16	To The D C Hassan C/18120 of 22-2-19 Calls for the opinion of the Chief Planters Association and of the members of the RA in Hassan in the matter of the Proposed Amendment to the Breach of Contract Act —
17	By Asst Hassan From The Cane Officer Roc 259 of 27-2-19 Furnishes the information called for in 8[16]
18	From the Dy Commr, Kadur No. Dy 318 of 1-3-1919 . States in continuation of 8[15] that of the members consulted 4 gentlemen have replied that they are not in favour of the amendment 30 The opinion of the Planters Associations & R. A. members of the Hassan & Kadur Dts re the amendment of the Breach of Contract Act so as to

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat.

3967
10965 Secy
Ever
C.S. File No. 488 of 191 9.

Serial No.	
	(1) Subd with a draft to the D.Cs of Kadua & Hassan C.G. 28/11
14	To The Dy Comr Hassan (1) The Dy Comr Kadur (2) No G 965/1-2 dt 28-11-18. Requests to Consult the Planters association both European & Indian and the RA members of the Bd and intimate their opinions very early.
15	From The Dy Comr Kadur H C 283 dt 4/12-19 States that out of the Planters Association & R.A, the members to be Consulted are in favor of the proposed amendments & forwards to intimate the opinion of the remaining members later on their rec (2) Subd. for perusal. The reply from the D.C. Hassan may be awaited is still due. A draft reminder is put up. 17/2/19

12 DEC 1918

NOTE—Contn. sheet.

WD A 1789—GPB—60,000—20-6-19—E. & Co.

G. R. S. III-2]

General and Revenue Secretariat. | File No. 85 of 191 .

Serial No.

exempt women from which has been receiving now. The Planters' associations of the R. A members in the Kadur ~~Nelasema~~ Dt. are in favour of the proposed amendment Rule 4 of the R. A. members are not in favour.

3) In the ~~Kadur~~ Nelasema Dt. the majority of the members of the South Mysore Planters Association are in favour of the amendment provided that old contracts are not affected thereby in case of cases ~~where~~ in which property is held by the females some alternative course is proposed. All the members of the R. A ~~also~~ also are of opinion consider the amendment necessary. But the South ~~Kadur~~ Mysore Native Planters Association is against any amendment of the existing rule.

Submitted for orders.

86 S.G.
5/3 ASR

"No Omissions may be

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat.

Legs File No. 1205/1927 of 1917.

18

Serial No.

noted in the form of a St with name

D. 14/3 9/3

1) Subs. with the Statement

BG 10/3. Apr 10/3

4) Please put up a copy of the Act with Corresponding Act in B. India if any.

D. 14/3 15/3

2) Subs. The Act here is the same as in Bo. India (vide pp 20 — 22 Mysore code Vol I)

Please see remarks in 1st St

BG 27/3 Apr 27/3

No St: may be revised & typed (Two copies)

D. 14/3 27/3

Early

3) Subs with the typed copies

BG 3/4 Apr 3/4

32) Subs agree with para above. The opinions are tabulated in the form of a St. & 2 typed copies of the St: are sent to Govt will be sent therefore only 4 R. A. members in the Madras districts & the South Mysore native

NOTE—Contn. sheet.

Serial No.

D Planters' Assns in the K. assem dists are against the proposed amendments. The rests are in favour of it & form the majority.

D. 5/4/14

Legislation

1. Opinion seems to be generally in favour of the amendment. A draft bill may be prepared, with some safeguards on the points referred by the South Mysore Planters assocn

1st—members

Collate Secn 5/4/14

5-4-14

48

3 Encs. When sending this file with a draft Bill, please put in a copy of the Act. This should invariably be done in the case of proposals for amendment of Acts & Regns.

D. Secn 5/4

5/4/14

D. Secn 5/4

49

Secy. This may now be referred to the Legis. section for necessary action

8/4

9/4 Sd for orders.

Apr 1914 50 Dpsd 35 Legn Secn to put up

NOTE—Contn. sheet.

G. R. S. III-27

General and Revenue Secretariat. | Legs. File No. 12111 R9 of 1918. 9 20

Serial No.

a Draft Bill & Copy of the Hon'ble P. M. Chadwick's

39) Submitted with the draft Bill and a copy of the Act. (Vide flag W.) SR
8/5 SR
17.5.19

37) Submitted with a Statement of objects and Reasons.
8/5 S.R
29.5.19.

38 The prohibition of the arrest and imprisonment of women in effect means their exemption from the operation of the Act. The draft Bill put up is based on this assumption.

39 In regard to the suggestion of the South Nyasa Planters Association, the non-application of the exemption in the case of old contracts is provided for in the draft Bill. Regarding the provision of an alternative course in cases of castes in which all property is held by females, it seems that as the civil remedy available to the complainant is not taken away by the Act, no further provision in the matter is necessary.

Submd for orders.
ASR
5/6

NOTE—Contn. sheet.

G. R. S. III-21

General and Revenue Secretariat.

Legs. File No. 1217/39 of 1918. 9. 20

Serial No.

a Draft Bill & Copy of the Hon'ble Mr. Chadwick's D. 18/5

X 36) Submitted with the draft Bill and a copy of the Act. (Vide flag W.) DJ

8/5 S.R.
17.5.19

37) Submitted with a Statement of objects and Reasons.

8/5 S.R
29.5.19.

38) The prohibition of the arrest and imprisonment of women in effect means their exemption from the operation of the Act. The draft Bill put up is based on this assumption.

X 39) In regard to the suggestion of the South Nipon Planters Association, the non-application of the exemption in the case of old contracts is provided for in the draft Bill. Regarding the provision of an alternative course in cases of castes in which all property is held by females, it seems that as the civil remedy available to the complainant is not taken away by the Act, no further provision in the matter is necessary perhaps

Subd for orders.

I) Act

ASR
5/6

NOTE—Contn. sheet.

Serial No.

for the recovery of the amount ordered, in the same way as a fine ordered by a criminal court. A draft is accordingly submitted. The amendment proposed, while securing the exemption of women from imprisonment, does not free them from arrest. The proposal of the R.A is however to exempt them from arrest also, and it is not clear how, if women are to be produced before the Magistrate for hearing the case, their presence can be secured in cases where Summons are not obeyed, except by issuing warrant.

Alternative draft submitted for consideration and orders.

D. Motor 1/9

1135/3.9.19

2nd member)

The alternative draft is unacceptable to planters who are opposed to exempting women from arrest. It may be considered in Council.

D. M. 3/9

Women are not exempt from arrest for offences under the 2 Pc. Of course they can not be let on bail if they can give bail.

I do not like arrest when it is a question of bail or a matter of summons

Maybe discussed in Council

C S Bala

DEWAN'S OFFICE.
Recd. on SEP 6 1919
pg. No. 637

NOTE—Contn. sheet.

(Dewan)

C.S. C.S.

O.S. 19

D. M. 8/9

Serial No.

(1) Submitted with Draft Bill together with Statement of Objects and Reasons. Since S. 4 of the Act specifies the classes of contracts to which compensation under the operation of the Act, it is proposed to make the amendment by adding a proviso to S. 4.

P. Mahadevan
Dy. Secy.
21/6

copy of the Act is submitted with this file as directed
Dy. Secy.
20/6/19

(2) The proviso does not fall in with the scheme of the Act. An employer making contracts in the course of his business or trade, in which workmen are employed, no provision need be made for excluding them from the benefits of the Act.

Dy. Secretary to the Govt. Labour Department to be present in person and to bring with him the relevant records.

Dy. Secy.
27/7/19

(3) Submitted with an alternative draft bill as per orders of the Chief Secy.

Chief Secy.
25/8/19

(4) The Chief Secretary ordered that an alternative draft bill may be prepared, provided

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat.

File No. 178 of 1917.

Serial No.

50 65) The points for consideration is whether women should be completely Exempted from the operation of the Borstal & Convict Act. or whether it will be sufficient to Exempt them from the issue of a warrant under Sec 1 of the Reformation Act.

51 66) I am inclined to think that the best method of Exempting them completely from the scope & operation of the act. is with the Suggestion to provide for the issue of a Summons only (& not a warrant) under Sec 1.

52) 67) The question may perhaps be discussed with the D.R.A members at the forthcoming session of the Assembly, before we come to a decision about it

[illegible]

57

NOTE—Contn. sheet.

WD A 1789—GPB—60,000—20-8-15—6.

Extract from the Proceedings of the 506th *Meeting of the Council of His Highness the Maharaja, held at* ~~Bangalore~~ Mysore *on the* 29th September 1919.

5. **Subject. - Clause ii of the schedule.**

Amendment of the Breach of Contract Act.

Opinion of the Council.

53) **Women may be taken out of the operation of the Breach of Contract Act.**

A draft bill may be prepared accordingly.

(Signed) M. Kantaraj Urs,

Dewan of Mysore.

"EXTRACT'

C S Lakshmana Iyengar

Chief Secretary to Government.

WD 1148—GPB—1,000—23-12-18

WD 1238—GPB—60,000—1-12-16—S.

25

25

G. R. S. III-2]

General and Revenue Secretariat.

File No. 168 of 191

Serial No.

To the Assistant Secretary, Branch III (Protection),

for kindly submitting the file to the Secrd Member of Council with a draft Final Note.

C S Balasundaram

R? 3/10

(Immediate)

Submit with a draft Final note

6/10/19

8/10

Please have it typed

9/10

Typed copy is forwarded

10/10

Submitted with G. O. N. for Council

P Mahadevaiya 10/10

1708
11-10-19

Hon Member

Final Note signed by the Member is forwarded.

13/10/19

DEWAN'S OFFICE.
Recd. on OCT 20 1919
Reg. No. 2499

D. S. N. Submitted.

Dewan

18/10

18/10

NOTE—Contn. sheet.

Final Note by the Second Member of Council.

77 **Subject:—**

Amendment of the Breach of Contract Act.

57 The question of the desirability of amending the Breach of Contract Act, XIII of 1859, as introduced into Mysore by the Government of India Notification No. 110 Rev. dated 23rd March 1866, so as to prohibit the arrest and imprisonment of women in cases falling under the Act was raised in the Representative Assembly of 1917. Statistics were called for from the District Magistrates and it was found that a number of women were being arrested and imprisoned in the districts of Kadur and Hassan where labour is largely recruited.

56 2. The Chief Court, the Members of the Representative Assembly and the Planters' Association in the two districts were consulted. A large majority of each of these bodies are in favour of exempting women from the operation of the said Act.

59 3. The question was considered in Council who are of opinion that women may be taken out of the operation of the Breach of Contract Act and that a draft Bill may be prepared accordingly.

60 4. The opinion of the Council may be graciously approved.

Mir Khan Zaheer Hussain
MEMBER OF COUNCIL.

Camp Mysore,
13th October 1919.

Final Note by the Second Member of Council.

77) **Subject:—**

Amendment of the Breach of Contract Act.

57) The question of the desirability of amending the Breach of Contract Act, XIII of 1859, as introduced into Mysore by the Government of India Notification No. 110 Rev. dated 23rd March 1866 so as to prohibit the arrest and imprisonment of women in cases falling under the Act was raised in the Representative Assembly of 1917. Statistics were called for from the District Magistrates and it was found that a number of women were being arrested and imprisoned in the districts of Kadur and Hassan where labour is largely recruited.

2 & 3 Office Notes

A

56) 2. The Chief Court, the Members of the Representative Assembly and the Planters' Association in the two districts were consulted. A large majority of each of these bodies are in favour of exempting women from the operation of the said Act.

B & F

59) 3. The question was considered in Council who are of opinion that women may be taken out of the operation of the Breach of Contract Act and that a draft Bill may be prepared accordingly.

2 & 3 Office Notes

60) 4. The opinion of the Council may be graciously approved.

Mir Humza Hosain

MEMBER OF COUNCIL.

Camp Mysore,
13th October 1919.

(27)

Submitted to His Highness.

I submit herewith a Final Note by the Second Member of Council on the subject of amendment of the Breach of Contract Act,

for His Highness' gracious approval.

21st Oct-1919

Dewan.

355

28 (28

Record of Cases submitted for the Orders of His Highness the Maharaja.

79) ***Subject.***

Amendment of the Breach of Contract Act.

514

62 ***Order.***

~~KRM~~

23/10/19

80) A. Leg

27.10.19

G. R. S. III–2]

General and Revenue Secretariat.

Legs' C 355 File No. 29 of 1918

29 (29

Serial No.

(*)

31. All urgent or confidential files returned with His Highness' orders may, in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at headquarters and then sent to the Secretariat concerned for the issue of orders.

81) Circulated to the Members of Council for perusal of (*) His Highness' orders ~~before~~ / ~~after~~ issue of orders. (*Vide* Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure).

C S Balasundaram
Chief Secretary to Govt. 27/10/19

Through the Secretary to Government,

....Department.

81

2799-221
29.10.19

FIRST MEMBER OF COUNCIL 82) S 2810
Recd 30.10.19

1071
27.10.19

SECOND MEMBER OF COUNCIL 83) 28/10/19

1383
31.10.19

Third
TEMPORARY MEMBER OF COUNCIL. 84) 31/10

85) Secretary Proper
for action at once
1/11/19 D.M. 1/11

2e)
2411

NOTE.—Contn. sheet

WD 1573—GPB—500—4-3-19

30 (30

G. R S. III-2]

12171

General and Revenue Secretariat. | Legs File No. 188 & of 1919

Serial No.

63 Subd with the draft bill & the Statement of Objects & reasons already put up and approved by the II Member.

64 In this connection, kind reference is invited to the Bill published in the Gazette of India dt 20.9.19 to amend the Breach of Contract Act. It will be seen from the Statt of O&R that the object is to remedy certain defects in the Act. The issue of the Gazette of India dt 27.9.19 containing the discussions in the Imperial Leg Council regarding this Bill is also put up

5/11

65 It is there as right of appeal in the B. Indian Act & Please check it in case Reference

D. M. Chatterjee 7/11

66 Subd with a copy of Act XIII of 1859.

67 As regards the right of appeal against an order of imprisonment under the Act, reference is invited to the speech of Sir William Vincent on page 1123 of the Gazette of India dt 27.9.19, wherein it is said that it is uncertain whether an appeal lies or not.

7/11

68 Kind attention is invited to the Workmen's Breach of Contract

NOTE—Contn. sheet.

(31)

G. R. S. III-2]

General and Revenue Secretariat. | Legislative File No. 188 of 1918

b. 111)

Serial No.

(Amendment) Bill published in the Gazette of India of 27th Sept 1919. The Bill has been introduced into the Imperial L. C. & it purports to make some radical changes of which the following may be mentioned:—

(1) Provision to enable the Magistrate to examine the complainant before the issue of process on the labourer & to dismiss the application in the absence of sufficient reason to proceed further;

(2) Discretion to the magistrate to order the labourer to refund the money or to perform the works;

(3) Power to grant instalments,

(4) " to decide whether the imprisonment shd be simple or rigorous,

(5) Fixing a time limit within which to bring complaints

(6) Discretion to refuse to enforce any contracts which is unfair

(7) Power to award compensation to labourers ~~aggrieved~~ in case of false or frivolous or vexatious complaints-

69 ~~75~~) The main of the improvements intended to be made in the law in B. India, it is proper for

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat.

Legs. File No. 158 of 1918.

12171

Serial No.

Consideration whether it is not desirable to wait until the Bill is passed in the Imperial L.C. & then to introduce all the changes once for all in our Draft Bill.

70 93) Submitted for orders
P. Mahadevaiya
12/11

~~Edwd Secy~~
~~11 November~~ 94) I think we may wait till the Govt of India Bill becomes law.

C S Balakrishna Aiyar
Secy
14/11/19

2nd member

2333
15-11-19

D. M. 14/11.

95) Papers

96) Seen in the particular hurry passing this measure we may wait till the proposed Bill is passed

Secy
15/11

97) Please submit to the Dewan.

Secy

DEWAN'S OFFICE.
Recd. on NOV 20 1919
Reg. No. 3519

A

Secy

98) Imperial

Dewan) C S Balakrishna Aiyar
Secy
20/11/19

76 94) Seen
20.11.19

D. M. 20/11.

99) To be put up as soon as the Bill is passed

D. Mahadevaiya
26/11

NOTE—Contn. sheet

FILED 26 NOV 1919

G. R. S. III-2]

General and Revenue Secretariat. | File No. [illegible] of 1918

Serial No.

101) Subd. with a draft Bill embodying all the amendments passed by the British Indian Legislature in Act XII of 1920. The exemption of women from the operation of the Act is provided in clause 5 of the Bill as a (new Section 4 A), as already approved

Sdy.

102) Marco have the draft Bill & St. of O & R. typed (Half-margin).

103) Typed draft Subd.

104) Typed draft of Bill & St. of Objects & Reasons Subd

P Mahadevan 21

C. S. Balasundara Ia

1503 28.8.20.

III Member.

105) & the statement of objects & reasons slightly revised. Hence put up a clean draft with Hon. Member's

28/8/20

3/9

R. S. III-2]

General and Revenue Secretariat.

File No. 188 of 1917

Serial No.

61) 107) A clean typed draft of the Statement of objects and reasons is put up.

Dr. Maha 15/9/20

1938. 17-9-20

62) 108) The Bill may be considered in Council if the Minister approves

DEWAN'S OFFICE.
Recd. on SEP 29 1920
Reg. No. 2870.
(D.O.C.N. 116).

Dewan 27/9

1063) Secretary's note.

1.10.20

Circulate

5/10/20

Dy. 5/10

NOTE—Contn. sheet.

35
~~35~~

Extract from the Proceedings of the 546th *Meeting of the Council of His Highness the Maharaja, held at Mysore, on the* 3rd November 1920.

187. Subject. - Clause ii of the schedule.

110 Draft Bill to amend Act XIII, 1859 (an act to provide for the punishment of breaches of contract by artificers, workmen and labourers in certain cases).

(Cts.188-17).

OPINION OF THE COUNCIL.

86 The draft bill may be approved and placed before the Legislative Council in due course.

(Signed) M. Kantaraj Urs,
Dewan of Mysore.

"EXTRACT"

C.S. Balasundaram
Chief Secretary to Government.

GRSM. 508

12171 / 36

WD 1233—GPB—60,000—1-12-16—S.

36

G. R. D. III-2]

General and Revenue Secretariat.

C. 246

C/894 File No. 23 of 1918.

Serial No.

1(1) To the Asst. Secretary, Branch III pro tem. for kindly submitting the file to the Third Member of Council with a draft Final Note.

Chy
8/11

1(2) Please submit a G.I.A. to S.G.A. & note Chief Secy's remarks against S.4A.

D.M. 8/11

Hepu 8/11

1(3) Encld. with a D.F. & D.S.N. S.G.A has also been revised Subject to approval.

8/11 12/11 SSR

1(4) Submitted with a G.I.A. D.M. 8/11

Sect: 4A has been revised as ordered by the Chief Secy D.M. 3162 18.11.20

III Member -

1(5) D.F.N revised & S.N typed

24/11

Personal note to Secy to Govt. of India under intimation to Private Secy

Dewan

30-11-20

D.M. 1/12

DEWAN'S OFFICE.
Recd. on DEC 1 1920
Reg. No. 3967

NOTE—Contn. sheet.

Final Note by the Third Member of Council.

250

Subject:- Draft Bill to amend the Breach of Contract Act.

On the 23rd October 1919 His Highness was graciously pleased to approve of the proposal to amend the Breach of Contract Act as applied to Mysore with a view to exempt women from the operation of the Act.

2. At that time a Bill was pending in the Imperial Legislative Council making important amendments as the old Act was unsuited to modern conditions and was liable to be abused by employers. The said Bill has since been passed into law in British India and the several amendments contained therein have been incorporated in the revised Draft Bill now put up so as to bring the law into line with the British Indian enactment.

3. The chief amendments intended to be introduced besides the exemption of women from the operation of the Act are as follows:-

(1) restricting the application of the Regulation to cases in which the advance does not exceed Rs.300 and the time for the performance of the contract (when a time is fixed) does not exceed one year,

(2) prescribing a period of limitation of 3 months (from the date of refusal or neglect) for preferring a complaint,

(3) giving the Magistrate the discretion to refuse to put the Regulation into operation if he considers the terms of the contract to be substantially unfair to the workmen, to throw out a complaint if it appears to him after examining the complainant on oath that there is no ground for proceeding, to award compensation to workmen if the complaint is false, frivolous or vexatious, and where the breach

of Contract is proved, to order either repayment of the advance or performance of the contract, and

(4) prescribing imprisonment of either description as a punishment for failure to comply with the order of the Magistrate when a Breach of Contract is proved.

4. The subject was considered in Council and the Members are of opinion that the revised draft Bill may be approved and placed before the Legislative Council in due course.

5. The opinion of the Council may be graciously approved.

Camp Closepet,
29th November 1920.

MEMBER OF COUNCIL.

0891
39

Submitted to His Highness.

***

1397
90

I submit herewith a Final Note by the Third Member of Council on the subject of amending the Breach of Contract Act, for His Highness' gracious approval.

Lee Chamberlain

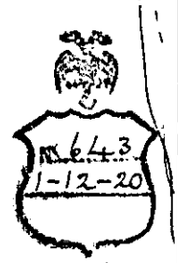
1st Dec.
1920

c 246

40

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.



Draft bill to amend the Breach of Contract Act.

648 487

91) *Order.*

~~KRW~~

3/12/20

C. L.

4.12.20

c 24b

12171

41 (41

G. R. S. III-2]

General and Revenue Secretariat. | Lr./ File No. 89 of 192.

Serial No.

31. All urgent or confidential files returned with His Highness' orders may, in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at headquarters and then sent to the Secretariat concerned for the issue of orders.

119 Circulated to the Members of Council for perusal of His Highness' orders before / after issue of orders. (*Vide* Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.)

C Balasundaram 6/12

Chief Secretary to Govt.

Through the Secretary to Government,

.....Revenue.....Department.

300 1/1/12

FIRST MEMBER OF COUNCIL 4/3.12

3349-271 13.12.20

SECOND MEMBER OF COUNCIL Seen Peel 14.12.20

3498 8.12.20

THIRD MEMBER OF COUNCIL.

Rev. Secy, with compliments 10/12

NOTE—Contn. sheet.

Le Fu 16/12

Read 16/12 C89 16/12

Mano takes further action

G. R. S. III-2]

General and Revenue Secretariat.

Legs' File No. 12171-18 89 of 1918

Serial No.

92 Act XII of 1859 & afore-
Rendition ack & thence
copy of the amending Bill
has to be sent to the Resy
before introduction into the
Legis. Cl.
93 Subo. with a Draft
to the Resy for able
Secy
17/1/21

(III (Members) 93/pp
.....)

3782
22.12.20

D. Mysore
21/1

Mr. Mirza Hussain
Hussain
24/1
94/pp
D. Mysore
25/1

To

The F. A. Resident in Mysore.

No. Pol. 740 Dy 10-1-21.

Sir

I have a copy of the Bill to amend the Breach of Contract Act, 1859 together with statement of objects & reasons, which explains the scope of object of the Bill & intimates that the Bill will be placed before the Legislative Council in due course.

NOTE—Contn. sheet.

43 14

F. R. S. III-2]

General and Revenue Secretariat.

Legs. File No. 12171-18 39 of 1918.

Serial No.

From

The J. A. Resident

No 865 dt 29-1-21

States that there is no prima facie objection to the Bill to amend Breach of Contract Act being introduced into the Legislative council. If approved this will be included in the agenda for the next meeting.

Fair forms are submitted for getting the sanction of the Diwan to introduce the Bill

SC
31/1/21
1/2

96) No usual forms is submitted for favour of signature.

D. Mahadevappa
2/2
Devan

~~III Member~~ 97) Typed. The form is typed

Mr. Mr. 4
4/2

~~108~~) 98) No printed forms is submitted for favour of signature.

D. Mahadevappa
4/2

Devan

99) Signed by the Diwan 7.2.21

D. M.
7/2

4469
7-2-21.

DEWAN'S OFFICE.
Recd. on FEB 4 1921
Reg. No. 5181

NOTE—Contn. sheet.

44 44

(G R. S. III-2]

General and Revenue Secretariat. | Legis File No. 39 of 1916.

Serial No.

12) Leave was granted to introduce the Bill at the meeting on the 29th March 1921.

The Bill with a draft for publishing for publishing the Bill in the Gazette.

Sd/ 30/3. Draft 30/3

12A) Mover examine the Bill and report.

D. M. 31/3

Issued No. 512 Dt. 5-4-21 L.C

Issued.

13) The Bill was read in connection & referred to a Select Committee at the meeting on the 2nd inst.

The members of the Select-committee have now been proposed

Sd/ 25/6/21 1380 for consideration:-

Mr R. Mathias.
Rao Bahadur M.C. Rangiah Iyer.
Mr C.S. Balasundaram Iyer
~~Dewan Bahadur K.V. Reddi Naicker~~
Rao Saheb Chennaiya
~~Mr A.S. Ramachandra~~
The Civil Surgeon, Vizagapatam
~~Hanumantha Krishnadas~~

1 Mr. Gopalakrishna Rao.

with the II Member as Chairman.

Sd/ 25/6

2nd Member

D. M. 25/6

NOTE—Contn. sheet.

G. R. S. III-2.

General and Revenue Secretariat.

File No. 38 of 19 16

1145

Serial No.	
	31) The Bill was read in council & referred to a Select committee at the meeting on the 27th. A date for the meeting has now to be selected. Submd. for orders.
	28/6/21 AM 28/6 32) Please ascertain a suitable date in consultation with the D. A. G. & the Members. D. H. 1/7

NOTE—Contn. sheet.

(4 b
46

G. R. S. III-2]

General and Revenue Secretariat. | File No. 39 of 1918.

No. 926

342
13 7 21

Serial No.

100/1925

Before adopting the proposal made in the Representative Assembly to amend the Breach of Contract Act so as to exempt women from its operation, the opinions of the Planters' Associations, both European and Indian, were obtained and considered. As the further amendments proposed in the Bill on the lines of the British Indian Act of 1920, might ~~[illegible]~~ affect the interests of the Planting community, it appears necessary to invite two representative planters - one European and the other an Indian to be present at the Select Committee Meeting, so that their suggestions, if any, may be considered by that Committee. The Deputy Commissioners of Kadur and Hassan Districts may be asked to suggest the names of two planters in their Districts and Government may select any two out of the names received.

101 (35) The gentleman invited will have to be given travelling allowance for their journeys in this connection. They may be given the same rates of travelling allowance as those allowed to the Members of the Legislative Council. [illegible]

NOTE—Contn. sheet.

[illegible]

102 (36) [illegible] 18-7-21

WD. A 1789—GPD—60,000—20-3-19—S.

G. R. S. III-2]

General and Revenue Secretariat.

343

File No. 39 of 1918.

Serial No.

(47)

DEWAN'S OFFICE.
Recd. on JUL 14 1921
Reg. No. 326

(36) Subd for orders.
M. Mahadevaiya
14/7

Dewan)

(37) Subd with a draft to the Dy Commrs of Kadur & Hassan.
26/7/21 (38) Issued D. 28/7

Issued 63-64 Dy. 28

24/8

(39) Issued with a draft forwarding copy of the Bill
6/8/21 (40) Issued D. 828
28/8

To the Dy Cs of Hassan and Kadur
No 638-9 dt 9-8-1921
Forwards a copy of the Bill to amend the Breach of Contract Act 1859.

General and Revenue Secretariat.

Legislative File No. 39 of 1918.

Serial No.

Letter No 7-21 dated 13.8.21

From

The District Magistrate, Kasaragod

Suggests that Lt. Col. W.L. Crawford, D.S.O of Mr Malali Venkataramiah President of the Indian Planters' Association may be invited as representatives

(4) The reply from the Dt Magistrate Kasaragod has not been received. This may be awaited

Draft Reminder laid with file

not necessary

19/8 see (4) No G.M. Kasaragod has sent his proposals. No G.M. Kasaragod has not sent 2 names for each Community. Mr. Govt may kindly see fair to issue (with remarks on the letter)

D. M. 20/8

Letter No J.C 86 dt 19th Aug 1921

From

The Dt. Magte. Kasaragod

Suggests the names of planters who may be consulted by the Select Committee.

R. S. III-2]

776

(Leg 44

General and Revenue Secretariat.

Legs File No. 38 of 19 18

Serial No.

148

Submitted with a draft in the Dr. regarding Harrison's appointment as per orders.

Sgd [illegible] 23/8 (44) Secretary D.M. 23/8

Issued 30/8/18 Sgd 25/8/18

Letter No R.D.C 18.2, 2/3 Sep. 18 from—

Mr Dr. Harrison

Suggests 2 more names for consideration by the committee

Mr Dr. Members of Harrison & Haldane have suggested the following names for Consultation by the Select committee

Harrison

European planters } — Lt-col W. L. Crump
Mr C. Lake

Indian planters } — Mr. Maluli Kunkalahan
" K. Thammayya

Haldane

European planters } — Mr. C. H. Goldfrey
" W. G. B. Kirimani

NOTE—Contn. sheet

: R. S. III-2]

General and Revenue Secretariat.

Legs File No. 39 of 1918

Serial No.

Indian planters — Mr. C. Vasudeva Rao
" C. Sreeniwasa Rao
" T. Narasimha Rao

Of these two names have to be selected (vide para 133 Supra) and the date of the meeting has to be fixed
Submitted for orders.

1789
7.9.21

6/9/21. 2nd Member)

7/9/21

146 Secy Ch Cant may ~~not~~ ~~be~~ ~~asked~~ C Srinivasa Rao may be selected ~~to~~ ~~a~~ suitable date ~~be~~ ~~decided~~ by the Secy in consultation with the Members ⊕ found

⊕ Saturday, the 5th November (8-30 AM) will be convenient to the Member

AAR 17/9

17/9

147 (146) Communicate to Secy Chief Secy that a draft notice to the members of the Board (Vide) of the Secs of the Govt of India Dept

148 Issue

Secy 25/9. 25/9 Issued 98-98 & 99-100 A.C & A.C

cag 20.9.21

cag 19.9.21

NOTE—Contn. sheet.

R. S. III-2]

General and Revenue Secretariat.

Legs File No. 39 of 1916

15 C. (5 to 50)

Serial No.	
1	Indian planters — Mr. C. Vasudeva Rao " C. Sreeniwasa Rao " T. Narasimha Rao Of these two names have to be selected (vide para 1 & 3 Supra) and the date of the meeting has to be fixed Submitted for orders 8/9 (2nd Member) 7/9/21

1789 / 7.9.21

16 Secy to Govt Commerce & Industry Department
Name to be selected
Meeting to be held on the date
suggested by the Hon'ble Member ⊕

⊕ Saturday, the 5th November (8-30 A.M.) will be convenient to the Member

A.S.R. 17/9

17/9

17 Communicate (16) Secy. to Govt. Commerce & Industry Department a draft notice for the nomination of a Member of the Board of Agriculture

18/9

19 Issued 93-98 & 99-100 20.9.21
D.C. D.C.
R 23-9-21

—Contn. sheet.

R-S. III-2]

986

51(5)

General and Revenue Secretariat.

Legs File No. 39 of 1918.

Serial No.

150)

Subd. with a draft report of the S.C

Sec 28/11/21 Dy 24/11 Legs

151) Please type as altered & put up

Cag 30.11.21

152) Subd. with a typed copy.

Sec 1/12/21 Dy 1/12/21.

In approval of 3rd member. Cag 1/12

3207 3.12.21

152) Draft issued in appn Please put up a clean draft for submission to Secretary. Subd 9/12

Draft returned as above

Subd 9/12

153) Let the file before us is submitted

Subd 9/12

154) Subd 10/12 Please put up typed copy as altered by the Member. Cag.

Typed 155) Subd with a typed copy

Sec 12/12 Dy 12/12 Govt Secy. Cag 12/12

156)

103 If I may be permitted to make

NOTE—Contn. sheet

Serial No.

a remark at this stage I would suggest that the punishment for the breach of the contract may be limited to Simple imprisonment. The Act gives a speedy and effective remedy to the creditor ~~to~~ ~~the~~ ~~should~~ ~~be~~ ~~suppressed~~ and there seems to be no reason why the debtor should be made to undergo a degrading form of punishment ~~that~~ simply because the Legislature has chosen to give provide an exceptional remedy for the benefit of a certain class of creditors only. The Act itself is an anomaly being opposed - as once declared by a Viceroy of India - ~~to~~ "to the whole spirit of modern legislation". The Amending Bill goes a long way to moderate the rigour of the ~~Bill~~ Act and the suggestion above put forward is quite in keeping with it.

3609 16/12/21

457/1064) 3rd Member - Brief memorandum 16/12 Sharma.

Note. Contn. sheet

R. S. III-2]

General and Revenue Secretariat.

Leg File No. 956/29/20 of 1918.

2435 53

Serial No.

[illegible] to amend [illegible] impressions. [illegible] with each book [illegible] for [illegible]
Draft approved

[illegible] Mr. Harrison [illegible]
19/12 cwr 17.12

158) Legis Section for further action. cwr 17.12.21

159) Submitted with a draft forwarding a copy of the report to the members of the S.C. for approval

Sec 19/12/21
19/12

Issue cwr 19.12

Issued 2115-99 S-C

160) The Draft reports have been received from all the members with their approval

Post Mr. H. Krishna Rao has signed the report subject to a qualifying note & the Govt. to be published below. for orders, if the report may be published with the note of Mr H. Krishna Rao

161) Flag T to Mr

Sec 7/1/22
7/1

NOTE—Contn. sheet.

~~2436~~ 244 54

G. R. S. III-2)

General and Revenue Secretariat. Leg File No. 38 of 1918.

Serial No.

Krishna Rao's note of qualification.
His Comment regarding reciprocity in the matter of warrants is ultra vires the other points are for consideration in order.

Gen Secy

Leg
9.1.22

16) Action has been taken according to the decision of the majority of the Committee. The Bill need not therefore be published. But Krishna Rao's note of qualification may also be published

Leg
9/1
Leg

3/22
2/1

3rd member -

16a) The whole of this note & the Hon'ble Member cannot be published as the 2nd para deals with the relations of the Govt with the Imperial Govt. That para may be omitted & the rest published

Leg
4/2

That is para beginning with the words "Reciprocity" and ending with the word "this activity"

Leg
4/2

16b) A.S. for necessary further action

Leg
6/2/22

16c) Secy. with a draft publishing the report

Leg
6/2/22

16d) Issue
Leg
6/2/22

Received 304/L.C. dated 7.2.22

NOTE—Contn. sheet.

G. R. S. III-2.

3670 55 (57

General and Revenue Secretariat. | Leg File No. 38 of 1918.

Serial No.

168) Subd. the paras referred to in Mr. Krishna Rao's letter as having been omitted was kept out under the orders of the member (vide para 163 supra)

See 16/Confr 20/1/3

169) Mr. H. Krishna Rao may perhaps be informed of the order of the member in para 163 of the notes, which gives reasons for the omission to publish a certain portion of the dissenting note.

Gen Secy

Cag 15/3

170) Mr Hanakeppa Krishna Rao may be informed in a letter marked Confidential that as the portion of the note question dealt with the relations of the State to the British Govt which are outside the Jurisdiction Leg. Council it had to be omitted. Please put up draft accdgly

Early

L Matter as refering to Extradition - Vide Leg. Council Reg^n.

4678 25.3.22

171) Draft Subd

Gen Secy

21/3 Cag 21/3

107) See 24/Confr 20/1/3

Cag 24/3

171a) Issue 3rd Member

171b) Left may be appd

Cag 24/3 Cag 24/3

NOTE—Contn. sheet.

G. R. S. III-2)

General and Revenue Secretariat.

Legis File No. 395 of 1918.

Serial No.

Issued 402/KC dated 28.3.22

175) Copies of the S.C. report were received & were forwarded to the members as usual. The Report has to be presented for the approval of the Council at the next meeting.

1-3-22

176) Mr N.S. Ranjundayas amendments to the Bill as revised by the Select Committee will have also to be taken up along with the Committee's report. The connected file to be before the Advocate for discussing the amendments with the Govt Advocate.

In the Committee's report & amendments & Bill dealt by Mr NS Ranjundaya

Action 171) The file regarding 55 is before the next Leg Mtg 9/4/22

Action 1917 yes. I will fix a meeting with him to discuss the whole thing & then we will decide on some course of action.

Carey 20.7

1-3-22

174) The Member has asked for a postponement of bringing this up till he has had a talk with Mr. Ranjundaya on the subject of his amendments I have requested Mr Ranjundaya to see the member & he has promised to do so early. This may be kept by till then

Carey 29.9.22

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat. | This File No. 38 of 1918.

Serial No.

178) Subject. Mr. Wanigasinghe's Bill to amend certain amendments to the Bill to amend the Breach of Contract Act. No. 9 of 1889. Some of these are amendments to the original Act. No. 9. At this stage he can move only amendments to the body or structure of the Bill under consideration, and not to the original Act.

179) 38

180) Right?

So amendments 1, 2, 3, 4, 14, 16, 17 & 19 will be out of order.

Among the other amendments those relating to the change of "complainant" into "petitioner" will be out of place when the change is not carried in amendment 4 above is not moved.

186) 38

Amendment 5 seeks to provide for the record of evidence & procedure to be adopted as in summons cases. It also provides for the maintenance

NOTE—Contn. sheet.

Serial No.

himself rendering himself a
a nullity.

9 In Clause 7 the mover
proposes two alternative
amendments. His object
seems to be that ~~provision~~
~~should be made~~ the limit
of Rs 3000 should be raised to
Rs 1000 in the case of ministry

Amendment 8 seeks to provide
for the alteration of one
form of sentence into another

Amendment 18 introduces
a time limit for the bringing
in of a complaint for non-
compliance.

4695
27.3.22.

Amendment 20 ~~is out of~~
~~order~~ cannot stand in the absence
of amendment 19 which is
an amendment to the original
Act & as such cannot be
brought up at this stage
Submd for orders

This was considered by the Select Committee

Gen' Secy)

25/3

25/3 (SV) Secretary:
3rd Member) Please submit this
as early
as possible. Sd
25/3

Sd. 25/3

25/3
Secy
27.3.

NOTE—Contn. sheet.

G. R. S. III-2]

3859/g 3796/g

General and Revenue Secretariat. | Legs File No. 39 of 1918.

Serial No.

(83) Not a single amendment proposed
Can be accepted — The amendments
may be marked in the agenda.
Mr Narayanaiah may be asked to
make his language & his amendments
less severe —
The Govt Advocate may be
asked to dispose all his amendments.

Sd/-
31/3.

(84) Secy. write a draft letter to Mr
Narayanachah

Sd/- 31-3-18

(85) Some. cs.
31/3

31/3 Issued. Sd/- 31-3-18
T.C

(86) Mr. Narayanachah has sent
his amendments in the altered
form and incorporated
~~in the Bill~~ in the Bill
The Bill & the amendments
have been ordered to be
taken for consideration
at the next meeting.
Secy. write a draft reply
to Mr. Narayanachah

Sd/- 5-4-18

187) Some.
Cs

Issued 4.5.18 Sd/- Illegible

NOTE—Contn. sheet.

3. R. S. III-2]

3945

General and Revenue Secretariat. | Legislative File No. 39 a/1 of 1918.

Serial No. 14

Subd.

Mr Ranganadhaiah has sent certain verbal alterations in the amendments already sent by him. These can be made in the proper places.

The file is approved with the Subd. as to the terms of the next meeting for consideration of the amendments.

Sec 18/4/18

(89) Please make the 9/5/1874 necessary alterations & then we will discuss them, and obtain orders as to what attitude to be adopted. It is better to be prepared rather than simply submit them for consideration at the meeting. Mr Rice is to oppose them & to instruct the Govt. Advocate about it.

Sec 19-4

(Secy) (90) Subd. The alterations have been made in the body of the amendments.

In the meantime the Secy to the Mysore Planters Association has sent in

NOTE—Contn. sheet.

G. R. S. III-2,

General and Revenue Secretariat.

Legis File No. 39 of 1918

Serial No.

1

The proceedings of the meeting of the Association on the 16th April 1922 suggesting the fixing of the limit of advance in Breach of contract cases at Rs 25 in the case of individual workmen and Rs 300 in cases of mastries.

The proceedings referred to in the Secy.'s letter has not been received in the Branch

Secy 95/41/22

19/4

Swale take this to the Govt Advocate

NOTE—Contn. sheet.

G. R. S. III-2

General and Revenue Secretariat. | File No. | of 1916

62

Serial No.

(192)

Results. The P. A. to 2nd member may perhaps be consulted as regards the stage at which the question stands at present.

27/11/22

27/11

3416/29.11.22

To the Secretariat Asst. Section II Member's case with Compts. Asst. 28/11

Sd/- 28.11.22

(193) Please submit on the 10th inst. I shall fix a date with the V.S. Wanchoo for discussion

Sd/-
29/11

4002/19.12.22

(194) Discussed the matter with the V.S. Wanchoo. Letters agreed to with slight modifications. Their letters may be issued

Sd/-
19/12

A.S. 19/12/22

Sd/- 20/12

Letters 20/12

NOTE—Contn. sheet.

RA ₹ 3451/-
Dasara 1951
appl Subjects Discussed P.

SUBJECT No. 21

Repeal of the Breach of Contract act of 1856.

Mr P. Murugesam Pillay, Adi Dravida Abivridhi Sangam Bangalore.

Summary of Representation:—The Breach of Contract Act of 1856 may be repealed in order to safeguard the interest of Panchamas who become slaves of the capitalists. Panchamas in Mysore suffer much under this law at it stands at present.

Note:— Not taken up for want of time.

H. A. (45) Section. The amending Bill before the Legislature aims promises for many safeguards in the interest of the employees

Perhaps the working of the amending Bill may be watched for some time before the Repeal of the Act is thought of

339
164 Dasara Session 24
October 1922 20 JAN 1923
378 JUDICIAL BRANCH.
Legis 261

SUBJECT No. 83.

Amendment of Section 2 of the Breach of Contract Act, XIII of 1859.

Mr. Malali Venkataramaiya, South Mysore Native Planters' Association.

Summary of Representation.—Section 2 of Act XIII, the Breach of Contract Act of 1859, may be amended as follows:—

(*a*) Sum to be advanced to coolies should not exceed Rs. 25 each;

(*b*) In the case of mestris, no limit need be fixed as to the amount of the advance;

(*c*) Provision may be made for the service in British India of warrants issued by the Mysore Courts and the inconveniences which mestris, planters and agriculturists at present suffer from, removed.

Note.—Discussed with Subject No. 82.

(6th Dasara Session 1923 October 19 JUDICIAL BRANCH 3780 338

14

SUBJECT No. 82.

Amendment of the Breach of Contract Act.

Mr. B. A. Devegowda, North Mysore Native Planters' Association, Chikmagalur.

Mr. C. Srinivasa Rao—The question of amendment of the Breach of Contract Act is now before the Legislative Council. The chief point to be considered in connection with this is that there should be a clear distinction between a cooly and a mestri. The latter may be advanced any sum up to Rs. 300, while the former should be advanced not more than Rs. 25, as otherwise it would be difficult to recover the sums. The coolies mostly belong to a very backward community *viz.* Pariahs, and if large sums are advanced to them, they will be subjected to unnecessary difficulties owing to their inability to repay the sum, and there will be cause for slavery.

Second Member of Council.—Mr. C. Srinivasa Rao was on the select committee. His suggestion did not meet with approval. The suggestion is before the Legislative Council, and will have to be decided there.

Subjects Nos 82 & 83

Mr. C. Srinivasa Rao. A similar proposal has been received from the North Mysore Indian Planters Association of which Mr. C. Srinivasa Rao is also a member.

In the Bill pending before the Legislative Council the advance is limited to Rs 300 in all cases. But Section 2 as proposed provides that the work for which the advance has been received must be ordered to be performed within a maximum period of one

(65 Dasara Session in 1923 338
October 19 JUDICIAL BRANCH 3780

Post By Laps

SUBJECT No. 82.

Amendment of the Breach of Contract Act.

Mr. B. A. Devegowda, North Mysore Native Planters' Association, Chikmagalur.

Mr. C. Srinivasa Rao—The question of amendment of the Breach of Contract Act is now before the Legislative Council. The chief point to be considered in connection with this is that there should be a clear distinction between a cooly and a mestri. The latter may be advanced any sum up to Rs. 300, while the former should be advanced not more than Rs. 25, as otherwise it would be difficult to recover the sums. The coolies mostly belong to a very backward community *viz.* Pariahs, and if large sums are advanced to them, they will be subjected to unnecessary difficulties owing to their inability to repay the sum, and there will be cause for slavery.

Second Member of Council.—Mr. C. Srinivasa Rao was on the select committee. His suggestion did not meet with approval. The suggestion is before the Legislative Council, and will have to be decided there.

Subjects No 2 to 5

Noted. A similar proposal has been received from the North Mysore Indian Planters Association of which Mr. C. Srinivasa Rao is also a member.

In the Bill pending before the Legislative Council the advance is limited to Rs 300 in all cases. But Section 2 as proposed provides that the work for which the advance has been received ~~must~~ be may be ordered to be performed within a maximum period of one

4000

66

Serial No.

So practically the advances to coolies will not be more than a year's wages. There is thus sufficient provision to safeguard the interests of the coolies.

(98) Re. the interim petition of Mr. N. Kumaran the Rao & other planters, the resolution of some planters, (referred to) recommending the repeal of the Act has not been received in the Branch. There was an independent discussion on the question of repeal at the last Darjeeling session of the L. C. But it was not discussed for want of time. It was however worked up & the 2 non members have approved of the proposal that the ~~question of Repeal~~ working of the amending Bill may be watched before the question of repeal is taken up.

Submitted for orders.

(more p. 63 of the notes)

Mr Ganapathy says Please bring up with the replies in force at present

17/1

NOTE—Contn. sheet.

Gen Secy

Offg. 4/2

G. R. S. III-2j

4002/10 67

General and Revenue Secretariat. | Judgs File No. 39 of 1926.

Serial No.

199) No action seems to be called for at present. The reply of the Chamber disposes of the matter finally so far as the discussion of the subject before the N. A is concerned.

Sd
2.6.25

5-5-25
26/2

(Sd Chamber)

200) Laying
Sd
27/2
Sd

201) Submitted to the Dewan with reference to the petition placed below.

Dewan
Sd 28/2/25

DE...
Recd. on ... / 192...
Regn. No. 5127

202) No further action necessary but while forwarding to the Chamber of Commerce the Dewan may be informed that, if any representation is received from the Chamber, some reply is necessary

Sd
15/3

Letter issued
5/3.

Sd
6/3

Sd
6/3

NOTE—Contn. sheet.

S. III-2]

General and Revenue Secretariat.

Legislative File No. 39 (100-D) of 1923. 68

Serial No.

Vol) For favour of approval of the proposed endorsement to the Planters deputation who waited upon the Hon'ble Mr. Chief Secretary

Sd
10.3.23

595-S-
12.3.23

Secretary) 9/3) Approved.
Sd
20/3

Sec
20/3

Issue
Cag
20/3

Received P 9879 of 23/1/23
Returned with reference to para 194 Supra. No letter has been received from Mr Ranjiundiah. May a reminder be sent to him?

Sec
27/3/23
Draft Sd
27/3

yes
Cag
27.3

Draft. Sd

Sec
28/3/23
Draft Sd
28/3

Issue
Cag
28/3

Issued 741 of 29/3/23.
K 12

NOTE—Contn. sheet.

G. R. S. III-2

General and Revenue Secretariat.

File No. 39 4600 P of 1916.

Serial No.

Since Mr. Narayanaswami has sent us his revised amendments to the Bill I do so for orders if the amendments may be included in the Report of the Select Committee presented at the next meeting of the Legislative Council.

This appears to be the result of discussion with the Member. The amendments proposed may perhaps be included

Chief Secy 15/5

Please see my note on Mr N's letter. 15/5

This may be included in the agenda for the next meeting by 16/5

and Member 16/5

The next meeting is the August meeting and it will not have suspended Rules by then Legislative Bills. This will may be taken up at a subsequent meeting.

Lp. 223 17.5.16

NOTE—Contn. sheet.

16/5

5/6/

G R. S. III-2].

General and Revenue Secretariat. | Legs File No. 39 of 1918

Serial No.	
1	Secy. with a draft to the Resy. as above with 106 Home
2	14/7/23.
3	The Secy to the Resident No. pol. 658 25. 7. 23 For his copies of the Bill & papers to obtain the sanction of the Govt of India to pass the Bill on the 11th August 1923
4	From The Secy. to the Resident No. 6830 S of 9 th August 1923 states that the Govt. H. in Council has accorded his Consent to the Bill. The Bill & memorandum annexed were laid on the table & the Bill was passed on the 11th Aug 1923. Secy. with a D. F. N.
	1320 20.8.23 Secy 18/8/23. (18 Members) Cabinet 21. 20/8
	Final Note signed by the Member is placed on the file. Note Book By Order put by a Dept Asst & submitted to the Dewan Secy

NOTE—Contn. sheet.

R. S. III-2]

General and Revenue Secretariat.

Legs File No. 89 of 1918.

697/P

71

Serial No.

DEWAN'S OFFICE.
Recd. on AUG 31 1923
Reg. No. 1136

Bill sent

Final Note by the First Member of Council.

72

Subject:—

Promulgation into law of the Bill to amend the Braach of Contract Act, 1859.

On the 3rd of December 1920, His Highness was graciously pleased to accord sanction to place the Bill to amend the Breach of Contract Act, 1859, before the Legislative Council. The Bill was accordingly introduced on the 29th March 1921. At the meeting of the Council held on the 27th June 1921 the Bill was read in Council and referred to a Select Committee. The Select Committee's report and the Bill were considered at the meeting of the Legislative Council held on the 11th August 1923. The Government of India sanction having been previously obtained, the Bill as amended by the Select Committee was passed at the same meeting.

The gracious sanction of His Highness is now solicited to pass the Bill into law.

Bangalore,
22nd August 1923.

MEMBER OF COUNCIL.

Submitted to His Highness. 73

No) *I submit herewith a Final Note by the..*First.....

*Member of Council on the subject of..*promulgation.....

into law of the Bill to amend the Breach of contract

Act, 1859,

for His Highness' gracious approval.

Dewan.

1023

STATEMENT OF CASES SUBMITTED FOR THE ORDERS OF HIS HIGHNESS THE MAHARAJA DURING THE TOUR OUTSIDE THE STATE IN August 1923.

Serial No.	Subject	Recommendation of Council, or Member of Government in charge, as the case may be	Dewan's recommendation	Orders of His Highness	Orders regarding submission of files (*vide* foot-note)
96	Promulgation into law of the Bill to amend the Breach of Contract Act, 1859	...	...	(C1) 111) approved by His Highness H'ness subscribers 14/9/23	

For perusal of H.H.'s orders before promulgation.

2138/17.9 1st member 2nd member 15/9 Can 17.9.23

15/9 Can 15/9

4/3/18-9-23 File may be submitted at once ... a
File may be submitted after His Highness' return ... b
File may not be submitted at all ... c

112) Promulgation Can 19/9 Abdul Ghani 19/9

NOTE.—The letter a, b or c may kindly be inserted by the Private Secretary to His Highness in the last column to indicate what is meant.

WD 2272—GPB—600—5-3-20

0975

General and Revenue Secretariat. | Legis File No. 39 of 1918.

Serial No.	
113	Subd. A draft G.O. publishing the Regulation to amend the Breach of Contract Act 1859 is put up for approval. Attd. Wilson R 21/9/23. 114/Issue. Abdul Ghaffar 21/9
	To The Compilation Gazette. Govt. p. 1753 & 23-9-23 ~~Normal paper. In both into Urdu~~ Ordered that the Regulation to amend the Breach of Contract Act, 1859 which received the assent of His Highness the Maharaja, on the 4th day of Septr 1923, be published as Regln No XI of 1923.

NOTE—Contn. sheet.

76

3/IX. 1913

File No. 188-17

Serial No. 1

Diary No. of letter replied to J. 1823.

No. J 381/1922 3/18

General and Revenue Secretariat

To

The Registrar,
Chief Court

Sir,

Date of issue 22-3-1918

Signed by Mr G Srinivasa Iyer

I am directed to invite your attention to subject No. 61 of the Proceedings of the Representative Assembly of 1917 (Dasara Session) and the reply of Government thereto in the matter of the amendment of the Breach of Contract Act

and to request you to be so good as to favour Govt. with the opinion of the Chief Court ~~your opinion~~ in the matter at an early date.

List of enclosures

Drafted by [illegible] 1913

Copied by 19-3-18

Examined by

I have, etc.,

25/3/18 Chief

For *Secretary to Govt.*

1913

GPB—500—7-11-11

13 APR 1918

R.O.C.No.852/1917-18.

Chief Court of Mysore,
Bangalore, dated 8th April 1918.

14116

From

N. T. Gopaliengar Esq., B.A., LL.B.,
The Registrar of the
Chief Court of Mysore.

To

C.S. 1519
3-40

GEN. & REV. SECTT. III JUDICIAL 15 APR 1918 SECRETARIAT

C.S. Balasundaram Iyer Esq., B.A.,
The Chief Secretary to the Government of Mysore,
Bangalore.

Sir,

Adverting to your letter No.J.3871/Cts. dated the 22nd March 1918 inviting the attention of this Court to subject No.61 of the Proceedings of the Representative Assembly of 1917 (Dasara Session) and to the reply of the Government thereto in the matter of the amendment of the Breach of Contract Act and calling for the opinion of the Judges on the subject, I am directed to forward for the information of the Government the enclosed opinion of the Judges.

DIARY No. J 2444
Courts
1917-18
2

I have the honor to be,
S i r,
Your most obedient servant,
N. Gopaliengar
R E G I S T R A R.

TSK

OPINION OF THE JUDGES.

The Chief Judge:

I presume it relates, not to reciprocity, but to women and the empowering of all Magistrates to try cases under the Act.

To the latter proposal I am prepared to agree, as it must be very inconvenient in sparsely populated localities where the employers of labour are scattered over the country at considerable distances from one another, to have to seek out a particular magistrate who may not be the nearest. It is true that some of our 3rd class magistrates are not very intelligent and have no great idea of legal questions, but the convenience of the community has to be considered, and we must hope for the selection of better men under the new scheme.

As to women there seems to be difference of opinion: I do not know how far it is true that women take up contracts for the supply of labour: if they do so to any great extent it may not be advisable to make any change: there is the danger of throwing them out of employment: if they are exempt from the penalties provided by the Act employers of labour will hesitate to make use of their services.

As to contracts with women to perform labour themselves I do not know that there is any need for exemption. Women are exempt from arrest and imprisonment for debt under the Civil Procedure Code, I believe, but whether that is an unmixed blessing for them I do not know.

I have no strong view either way.

Mr. Justice K.S. Chandrasekhara Aiyar.

All Magistrates may be empowered. I am against women being liable to arrest, on principle.

Mr.

79

Mr. Justice T. Paramasiva Iyer.

I agree that women should not be liable to arrest. I would stiffen the Act only if the contract relates solely to the work covered by the advance. My own impression is the law is one-sided, antiquated and barbarous. Virtually in its construction and application, the employer is enabled to enforce a contract to labour for future wages with a contract to labour for an advance which may be insignificant though the only justification for making the defaulter criminally liable is the risk taken by the employer in advancing money. As for running away, arrest before judgment will secure against it as effectively as a warrant under the Breach of Contract Act. I think this uncouth Act ought to go and I am against any strengthening of the hands of the employer as against accepted principles of the civilised races especially the British and American.

C O P Y.

R. Gopalaswamy

R E G I S T R A R.

TSK

60

G. R. S. VI—G/32]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

GENERAL AND REVENUE SECRETARIAT,

( )

, the 191 .

Date of issue 3/5/18

Signed by W. G. Srinivasa

Section ct
File No. 18817
Serial No. 3.

No. J 4420-793-578

To

The District Magtes

Sir,

I am directed to request you to be so good as to furnish information about the number of women against whom processes under the Breach of Contract Act were issued within the last ten years, in your Dt. the number arrested & the number imprisoned within the last ten years in your District.

I have etc

for Secy. Chief Secy.

KVRee
30-4-18

03131

Office of the District Magistrate,

Tumkur District,

Dated Tumkur, the 17th May 1918.

20 MAY 1918

DIARY No. 2712

From

A. Subramanya Iyer, Esqr., B.A.,

District Magistrate,

Tumkur District.

To

C. S. Balasundaram Iyer, Esqr., B.A.,

Chief Secretary to the Government of His Highness the

Maharaja of Mysore, Bangalore.

S i r,

Adverting to your letter No.J.4420-7/Cts.188-17-3 dated 3rd May 1918, I have the honour to state that so far as it has now been ascertained there have been no cases under the Breach of Contract Act against woman during the last 10 years.

I have the honour to be,

S i r

Your most obedient servant,

Assistant Commissioner,
For District Magistrate,
Tumkur District.

T.K.N.

WD 0163—GPB—3,00,000—21-7-17—S

191

From

The District Magistrate,

Tumkur District.

To

The Chief Secretary to Government,

Bangalore.

Dated

17th May 1918.

Despatched 17-5-18

Received

General No. Judl D2 Dis 227

No. 178

Enclosure No. Nil

Stating that there have been no cases under the Breach of Contract Act against woman during the last 10 years.

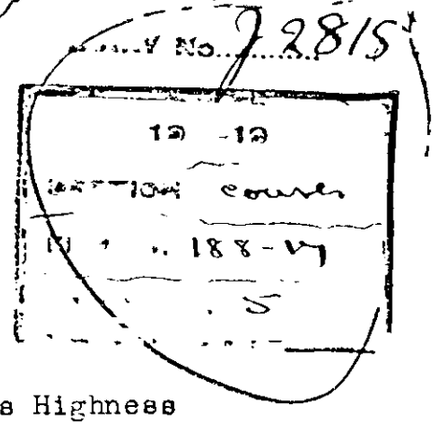
42

U R G E N T.

Office of the District Magistrate,
Bangalore District.

No. 952

Dated Bangalore, 29th May 1918.



From,

P.F. Bowring, Esq.,
The District Magistrate,
Bangalore District.

To,

C.S. Balasundaram Iyer, Esq., B.A.,
The Chief Secretary to the Government of His Highness
the Maharaja of Mysore, Bangalore.

Sir,

Adverting to your No.J.4420-7/Cts.188-17-3 dated 3rd May 1918 requesting to furnish information about the number of women against whom processes under the Breach of Contract Act were issued, ~~and~~ the number arrested and the number imprisoned within the last 10 years, I have the honor to state that on receipt of the above requisition an urgent circular order was issued to all the Magistrates in the District calling for the required information.

2. All the Magistrates except the Amildar Magistrates of Anekal, Chennapatna and Magadi Taluks have sent in their reports stating that no processes were issued against women in their courts during the last 10 years.

3. Urgent reminders have this day been issued to the remaining 3 Amildar Magistrates who have not submitted their reports yet and on hearing from them a further report will be submitted.

I have the honor to be,
Sir,
Your most obedient servant.

District Magistrate,
Bangalore District.

L.S.R.
1.

1918

From The Dt: Magistrate Bangalore District.

To The Chief Secretary to Government of His Highness the Maharaja of Mysore

Dated 30.5.18

Despatched

Received

GEN. & REV. SECRETARIAT 04302 1 V

General No. 952

No.

31 MAY 1918

26.

Enclosure No.

Furnishes information about the number of ~~absconding~~ women against whom processes under the Breach of contract Act were issued etc. within the last 10 years.

GEN. & REV. SECRETARIAT III JUDICIAL 31 MAY 1918

GPB—75 reams—25-5-10

D. 2 No. 157 / 17-8

Office of the District Magistrate,
Bangalore District.

Dated Bangalore, 13th June 1918.

DIARY No. J. 2959
1918
6

From

T. Chokkanna, Esq., B.A.,
District Magistrate,
Bangalore District.

To

C.S. Balasundaram Iyer, Esq., B.A.,
Chief Secretary to the Government
of His Highness the Maharaja of
Mysore, Bangalore.

Sir,

In continuation of this office No.J.C.952 dated 25/29-5-1918 re: the number of women against whom processes under the Breach of contract Act were issued, the number arrested and the number imprisoned within the last 10 years, I have the honor to state that the Amildar Magistrates of Anekal, Chennapatna and Magady have since sent in their reports stating that no processes were issued against women in their courts during the last 10 years.

I have the honor to be,
Sir,
Your most obedient servant,

District Magistrate,
Bangalore District.

CSR.

1918

From

The Dt: Magistrate
Bangalore-dist

To The Chief Secretary to
Government of His -
Highness the Maharaja
of Mysore.

Dated 13. 6. 18

Despatched 14

Received 17 JUN 1918

05979

General No. 157

No. 17. 08

Enclosure No.

States that the Assistant
magistrates of Hunsur,
Channapatna and Magadi
have since sent in their
reports stating that no
processes were issued -
against women in their
courts during the last 10
years.

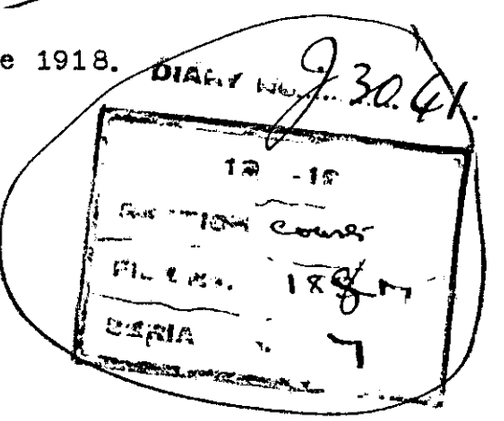
CVS 08/6

SECRET.
III

19

Office of the Deputy Commissioner,
Kadur District.

No [illegible] .Dated Chikmagalur the 25th June 1918.



From

C. Devaraj Urs, ESQ.,
District Magistrate,
Kadur District.

To

C.S.Balasundaram Iyer, ESQ., B.A.,
Chief Secretary to Government of His Highness the
Maharaja of Mysore,
B A N G A L O R E.

Sir,

With reference to your letter No.J.4470-7/Cts.188-17-3 dated 3rd May 1918 requesting to furnish certain particulars regarding the number of women against whom processes were issued under the Breach of Contract Act, I have the honor to forward herewith a statement showing the particulars so far as they are available from the registers of Criminal Courts of this District.

I have the honor to be,
Sir,
Your most obedient servant,

Treasury Assistant Commissioner
District Magistrate,
Kadur District.
Absent from Station

B. S.

WD 0463—GPB—3,00,000—21-7-17—

From The District Magistrate
Kadur District

To The Chief Secretary to the
Government of Mysore
Bangalore

Dated 25th } June cy. 18
Despatched 26th }

Received

General No. D/2 dis 71/17-18
No. 66866

Enclosure No. One

Forwarding a Statement furnishing particulars about the number of Women arrested under the Breach of Contract Act, and the number imprisoned during the past 10 years in this District.

JUDL
29 JUN 1918

Statement showing the number of women, against whom processes under the Breach of Contracts Act were issued, the number arrested and number imprisoned within the last 10 years in the Kadur district.

Name of court	Number of women against whom processes were issued	Number arrested	Number imprisoned
District Magistrate's Court.	Nil		
Sub Divisional Asst. Commr. & 1st class magistrate's court.	72	58	2
Treasury Assistant Commissioner and 1st class magistrate's court.	37	37	-
Amildar Magistrate, Chickmagalur.	23	23	-
" " Tarikere.	285	2	1
" " Koppa.	119	49	-
" " Mudigere.	142	79	-
Total	678	248	3

District Magistrate
Kadur District.

No. J.C. 773
1917-18.

Office of the District Magistrate,
Shimoga District.
Dated Shimoga the 1st July 1918.

From,

M.A.Narayana Iyengar, Esquire, B.A., B.L.,
District Magistrate,
Shimoga District.

To,

C.S. Balasundaram Iyer, Esquire, B.A.,
Chief Secretary to the Government of His Highness the Maharaja
of Mysore, B A N G A L O R E.

Sir,

With reference to your letter No. J. 4420-7/Cts.188-17-3 dated 3rd May 1918, I have the honor to state that during the period between 1908-09 to 1917-18, there were only two cases under the Breach of Contract Act in the Sagar Taluk Magistrate's Court, one in 1915-16, and another in 1916-17, wherein one woman and two women respectively were arrested and let off, the complaints having been withdrawn in both the cases.

I have the honor to be,
Sir,
Your most obedient servant,
Krishnamurthy
Personal Assistant to the Deputy Commissioner
For District Magistrate.
Absent from Head Quarters

1ST No 8:247

WD.0463—GPB—3,00,000—21-7-17—S.

1917-18.
188-17

From

The District Magistrate,
Shimoga District.

To

The Chief Secretary,
To the Government of H.H.
the Maharaja in Mysore,
B A N G A L O R E.

Dated 1st July 1918.

Despatched 3rd July 1918.

Received 5 JUL 1918

General No. J.C. 773/1917-18.
No.

07676

Enclosure No. NIL.

States that there were only 2 cases under Breach of Contract Act in the Sagar Taluk Magistrate's Court between 1908-09 tp 1917-18.

&&&&&&&&&&&&

CS 4-25
9/7

87

Office of the District Magistrate,
Chitaldrug District.

Dated Chitaldrug, 4th July 1918.

No 523

From

M. Zahiruddin Mecci Esquire B.A.,
Offg. Deputy Commissioner,
C H I T A L D R U G.

To

C. S. Balasundaram Iyer Esquire B.A.,
Chief Secretary to the Government of
His Highness the Maharaja of Mysore,
B A N G A L O R E.

S I R,

Adverting to your letter No. J.4420-7/Cts.188-17-3 dated 3rd May 1918, I have the honor to state that process were issued under the Breach of Contract Act against three women, all of whom were arrested but none convicted during the past ten years in the District.

I have the honor to be,
S I R,
Your most obedient servant,
M Zahiruddin Mecci
District Magistrate,
Chitaldrug District.

S.V.

DIARY No. 4415.

WD 0463—GPB—3,00,000—21-7-17—

1917—18788-h

From The District Magistrate
Chitaldrug District

To The Chief Secretary to
the Government of His
Highness the Maharaja of Mysore
Bangalore

Dated 5th July 19 18.

Despatched

Received

General No. Reference 07932 of 1918

No.

Enclosure No.

8 JUL

Ch Secy

07932

Stating that process were
issued under the Breach of
Contract Act against
three women, all of whom
were arrested, but none
convicted during the last
ten years.

cfs 4pm
JW 7/7

GEN & REV. SEC
JU
9-

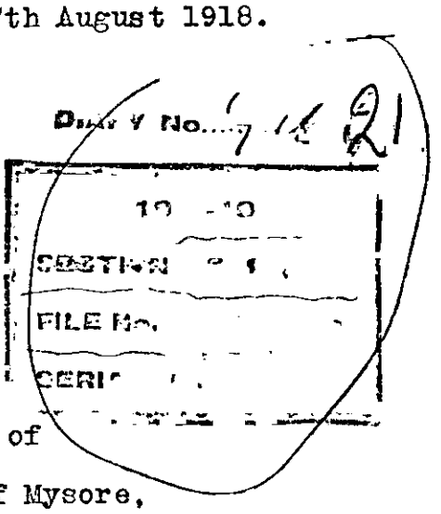
1546 - 8/8
final 12-8

dd

Office of the District Magistrate,
Mysore District,
Dated, Mysore, 7th August 1918.

From

K. Matthan, Esq., B.A.,
District Magistrate,
Mysore District.



To

C.S. Balasundaram Iyer, Esq., B.A.,
Chief Secretary to the Government of
His Highness the Maharaja of Mysore,
Bangalore.

Sir,

With reference to your letter No. J. 4420-7 dated 3rd May 1918, asking for information about the number of women, against whom processes under the Breach of Contract Act were issued, the number arrested, and the number imprisoned, within the last ten years in the Mysore District, I have the honour to state that the 1st Class Magistrate, French Rocks Sub Division, reports that only a single complaint was lodged against a female in the year 1914-15 in his court under the Breach of Contract Act, but that the case was dismissed the very day. The other Magistrates in the District, except that of the Malvalli Taluk, report that no cases of the kind referred to above were received in their courts, during the above period. An urgent reminder has been issued to the Amildar Magistrate of Malvalli and on receipt of his reply, a further communication will be submitted in the matter.

I have the honour to be,
Sir,
Your most obedient servant,

for District Magistrate, (on tour)
Mysore District.

H.N.

W.D. C244—GPB—6,00,000—19-5-16—S.

191

From

The District Magistrate,

Mysore District.

To

The Chief Secretary to Govt..

Bangalore.

Dated 7th August 1918.

Despatched 8 August 1918

Received

General No. Ker 1-46/1 W 9

No. 11583/1

Enclosure No.

Furnishing information about the number of women against whom processes under the Breach of Contra Act were issued, the number arrested etc.

cls 1-45 Nil 8/8

GEN. & LEG. SECRET JUDICIAL 10 AUG 1918

No. 92 dis 1 / 1918 R-1

Office of the District Magistrate,
Mysore District.
Dated, Mysore, 17th August 1918.

DIARY No. 92
15
188-17
11

From

K. Matthan, Esquire, B.A.,
District Magistrate,
Mysore District.

To

C.S. Balasundaram Iyer, Esquire, B.A.,
Chief Secretary to the Government of
His Highness the Maharaja of Mysore,
Bangalore.

Sir,

In continuation of this office No. R.O.C.1546/J.17-18 dated the 7th instant, I have the honor to state that the Amildar Magistrate of Malavalli Taluk reports that no warrants against women under the Breach of Contract Act were issued, none arrested and imprisoned by the Taluk Court during the last ten years.

I have the honor to be,
Sir,
Your most obedient servant,

Assistant Commissioner,
For District Magistrate,
Mysore District.
(ABSENT FROM STATION).

A.N.

W.D. 0244—GPB—6,00,000—19-5-16—S.

191

From

The District Magistrate,

Mysore District.

To

The Chief Secretary to the
12363 Government of Mysore,
Bangalore.

Dated 17th August 1918.

Despatched

Received

General No. A2 Dis 110/126 - 17

No. — Jud I

Enclosure No.

19 AUG 19

Stating that the Amildar Magistrate of Malavalli Taluk reports that no warrants against women under the Breach of Contract Act were issued, none arrested and imprisoned by the Taluk Court during the last ten years.

District Magistrate's Office,
Kolar District,

Dated Kolar, the 5th September 1918.

Q 3967
Courts
188-17
12

From

B. Venkoba Rao, Esq., B.A.,
District Magistrate, Kolar District.

To

S.S. Balasundaram Iyer, Esq., B.A.,
Chief Secretary to the Government of Mysore,
BANGALORE.

Sir,

Adverting to your letter No.J.4420-7/Cts.188-17-3 dated the 3rd May last, calling for information about the number of -- women against whom processes were issued under the Breach of Contract Act within the last 10 years in this District, I have the -- honor to state that from the reports received from the several -- Magistrates, it is found that no processes of the kind under reference were issued from any of the Courts in the District.

I have the honor to be,
S i r,
Your most obedient servant,
B. Venkoba Rao
District Magistrate,
Kolar District.

C.R.S.
CRS

WD 0163—GPB—8,00,000—21-7-17—S.

191

From

The District Magistrate,
Kolar District.

To

The Chief Secretary to the
Government of Mysore,
Bangalore.

Dated 5th September 1918.

Despatched

Received

General No.

No.

Enclosure No.

14559

Stating that no processes were issued against women under the Breach of Contract Act.

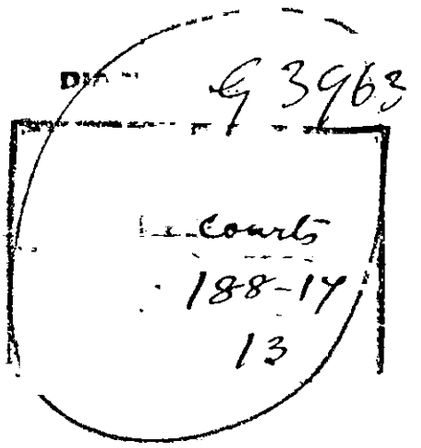
Office of the Deputy Commissioner, Hassan District.

Dated Hassan, 6th September 1918.

No Noc 479-17

From

C. Venkata Rao, Esquire, B. A.,
District Magistrate,
Hassan.



To,

C.S.Balasundaram Iyer, Esquire, B. A.,
Chief Secretary to the Government of
H. H. the Maharaja of Mysore,
Bangalore.

Sir,

Adverting to your letter No. J.4420-7/Cts. 188-17-3 dated 3rd May 1918 calling for particulars about the number of women against whom processes under the Breach of Contract Act were issued etc., I have the honor to furnish the required State-ment.

I have the honor to be,
Sir,
Your most obedient servant,
C. Venkata Rao
District Magistrate,
Hassan.

WD 0463—GPB—3,00,000—21-7-17—S

1918-19.

From
C. Venkata Rao, Esquire, B.A.,
District Magistrate,
Hassan.

To
C.S.Balasundaram Iyer, Esq., B. A.,
Chief Secretary to the Government of
H. H. the Maharaja of Mysore,
Bangalore.

Dated 6th September 1918.

Despatched

Received

General No. (Roc 479-17
No. Secret

Enclosure No. One Statement.

14546

SUBJECT.

Submitting a statement of
woman against whom
proceedings under the Breach
of Contract Act XIII of 1859
are contemplated.

Statement showing the number of 92
the Breach of Contract Act were issued
imprisoned within the last 10 years C
end of 1917-18

Name of Court	Total No of cases	Number of women against whom process issued	Nu a
Assistant Commissioner	9	9	
1st class magistrate Sankrespur			
Amildar + II nd class Magistrate Manjaraba	53	53	
Amildar magistrate Bolun Taluk	23	23	

women against whom proceedings under the Act were instituted & the number arrested during each month from 1908 up to the

Number arrested	Number Imprisoned	Remarks
9	—	
53	—	
2	—	

[illegible]
District Magistrate
[illegible]

G. R. S. VI—G/32]

93

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

Section 45
File No. 188-17
Serial No. 14

GENERAL AND REVENUE SECRETARIAT,

( )

, the *19D*

No. G 9657-29 28-11-18

Date of issue 22/11/18

Signed by.....

To

1) The Dy Comms. Kasaragod
2) " " Kadur Dt.

Sir

The question of ~~the~~ amending ~~amendment~~ of the Breach of Contract Act so as to prohibit the arrest and imprisonment of women in cases under the Act is under the consideration of Govt. I am directed to request you to consult

over.

94

The Planters associations,
both European and Indian,
and the R.A members
of your Dt and interests
to this Office at an
early date their opinion
in the matter

I have etc

for Chief Secy

List of enclosure

Copied by

Examined by

WD 86—GPB—60,000—15-11-16

HC 283 1919 Encl

95

Office of the Deputy Commissioner,
Kadur District.

Dated Chikmagalur, 11th February 1919.

From

C.Devaraj Urs, Esq.,
Offg. Deputy Commissioner,
Kadur District.

To

C.S.Balasundaram Iyer, Esq., B.A.,
Chief Secretary to the Government
of His Highness the Maharaja of Mysore,
BANGALORE

Sir,

With reference to your letter No.G.9651-2 Dts.188-17-4 dated 28th November 1918 requesting to intimate the opinion of the Planters' Association and the Representative Assembly members re: the question of amending the Breach of Contract Act, I have the honour to state that out of the Planters Association and the Representative Assembly members whom I consulted in the matter the marginally noted members have replied to say that they are in favour of the proposed amendment. The opinion of the remaining members will be communicated when received.

1. The Hon: Secy. South Mysore Planters' Association Saklaspur.	to say that they are
2. The Hon: Secy. Bababudan Planters' Association Santaveri.	in favour of the pro-
3. Mr.C.H.Godfrey.	posed amendment. The
4. " B.Kesaviah.	
5. " T.Mallegowda.	opinion of the remain-
6. " H.Krishna Rao.	
7. " Bukkambudi Veeriah.	ing members will be
8. " B.Rangarajiah.	
9. " Nittur Nanjundiah.	communicated when

I have the honour to be,

Sir,

Your most obedient servant,

Treasury Assistant Commissioner,
For Offg. Deputy Commissioner,
Kadur District.
(Absent from station).

etc 188-17 15

58413 1919

From The Deputy Commissioner
Kadur District.

To The Chief Secretary to the
Government of Mysore,
Bangalore.

Dated 11th

Despatched 12th February 1919

Received

General No. HC. 283
No. 18-19

Enclosure No. Nil

Stating that some of the
members are of opinion that
the Breach of Contract Act may
be amended and that the opinion
of the remaining members will
be communicated to Govern-
ment on receipt from them.

13.2.19

1918 - 19.

Deputy Commissioner's Office, Hassan District.

Dated Hassan the 27th February 1919.

From

C. Venkata Rao, Esquire, B.A.,
District Magistrate, Hassan.

To

C. S. Balasundaram Iyer, Esq., B.A.,
Chief Secretary to the Government of
His Highness the Maharaja of Mysore,
Bangalore.

Sir,

In reply to your letter No. G. 9651-2/Cts. 188-17-4 dated 28th November 1918 regarding the question of amending the Breach of Contract Act so as to prohibit the arrest and imprisonment of women in cases under the Act, I have the honor to state as follows.-

The Honorary Secretary of the South Mysore Planters' Association has suggested that the majority of the members of the Association are in favour of the proposed amendment of the act so as to prohibit the arrest and imprisonment of women under this Act provided that old contracts are not affected thereby and that in cases of those castes in which all property is held by the females some alternative course be provided.

The opinion of the South Mysore Native Planters' Association is against any amendment of the existing rules of the Breach of Contract Act; whereas nearly all the members of the Dasara Representative Assembly of this District have stated that modification is very necessary as it is undesirable to incarcerate women in Jail. And I agree with the latter.

I have the honor to be,

Sir,

Your most obedient servant,

District Magistrate,
Hassan.

GEN. C. 60211

1918 - 19.

1 MAR 1919.

From

C. Venkata Rao, Esquire, B.A.,
Deputy Commissioner, Hassan District.

To

C.S.Balasundaram Iyer, Esq., B.A.,
Chief Secretary to the Govt. of
H.H. the Maharaja of Mysore,
Bangalore.

Dated. 27th February 1919.

Despatched. 27th February 19

Received.

No. Roc 259-18.

Enc. Nil.

Forwarding opinion of the Planters' Association & the Members of the Representative Assembly in the Hassan Re. the proposed amendment of the Breach of Contract Act.

Office of the Deputy Commissioner,

Kadur District.

97

No. Dis. 318. Dated Chikmagalur, 26th February 1919.

From

C. Devaraj Urs, Esq.,

The Deputy Commissioner,

Kadur District.

12171

C5

188-17

18.

To

C.S.Balasundaram Iyer, Esq., B.A.,

The Chief Secretary to the Government

of His Highness the Maharaja of Mysore,

BANGALORE

Sir,

In continuation of this office letter No.H.C. 283/18-19 dated 11/12th February 1919 communicating the opinion of certain members re: the question of amending the Breach of Contract Act, I have the honour to state that the marginally noted gentlemen have replied to say that they are not in favour of the proposed amendment.

1.Mr.U.Kalasegowda.
2." C.Rasool Khan.
3." T.Syed Khaja peeran.
4." Kallegowda.

I have the honour to be,

Sir,

Your most obedient servant,

Deputy Commissioner,

Kadur District.

1918 - 19

From The Deputy Commissioner
Kadur District.

To The Chief Secretary
to the Govt of Mysore
Bangalore

Dated 26th February 1919

Despatched 1 - 3 - 19 Ch Secy

Received 3 MAR 1919

General No. Dy Dis 318/18-19 (Rev)
No.

Enclosure No.
6 to 109

Submitting the opinion of the members re: the amendment of the Breach of Contract Act.

3/3/19
3
10.4/3

R. S. VI—G/32]

SUBJECT.....

.....

.....

Section Legs
File No. 29-18
Serial No 1

Diary No. of letter replied to

General and Revenue Secretariat

( )

the 191 .

No. Leg. 740 Encl 1
dt 10-1-1924.

To

The D. A. Resident

Date of issue 10th January 192

Signed by Mr C. Aravamudu Iyengar (Srs)

I am directed to forward herewith a copy of the Bill to amend the Breach of Contract Act, 1859, as applied to Mysore together with a Statement of Objects & Reasons which explains the scope & object

over.

of the Bill

The Bill will be
shortly placed before the
Legislative Council
in due course.

I have etc.

Hon'ble Dr. W/C Doss Secy to Govt.
Rev. Dept.

SBB 17/12

List of enclosures.

1 copy of the Bill
with Stt. of Objects
& Reasons

SBB
15/1

Copied by

Examined by

G. R. S. VI—S-III/13]

100

DRAFT

SUBJECT .....

.....

.....

Section.
File No.
Serial No.

No. 512 / L. C. Dy 5-14

Diary No. of letter replied to.....

GENERAL AND REVENUE SECRETARIAT,

( )

the.....*191* .

Date of issue. 5-6-14

Signed by.....

NOTIFICATION.-

Under Rule 31 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill to amend Act XIII of 1859 is published for general information with the statement of objects and reasons.

By Order,

Secretary, Mysore Legislative Council.

(Here print the accompanying Bill with the statement of objects and reasons).

To

The Compiler, *Mysore Gazette* for publication in Part III of the Gazette in English and Kannada and for sending 100 copies in English and 25 copies in Kannada to this office. Proof should be sent to this office for approval before publication.

30/3 RR 368

NOTIFICATION.

No. 512—L. C., dated 5th April 1921.

Under Rule 31—1 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill to amend Act XIII of 1859 is published for general information with the statement of objects and reasons.

By Order.

MAHADEVAYYA,

Secretary, Mysore Legislative Council.

Bill to amend Act XIII of 1859.

(AN ACT TO PROVIDE FOR THE PUNISHMENT OF BREACHES OF CONTRACT BY ARTIFICERS WORKMEN AND LABOURERS IN CERTAIN CASES).

Whereas it is expedient to amend Act XIII of 1859 as in force in Mysore; His Highness the Maharaja is pleased to enact as follows:—

Amendment of Section 1.

1. (1) Section 1 of the Act shall be renumbered as sub-section (1) of Section 1.

(2) In the said sub-section—

(*a*) after the words "an advance of money" the words "not exceeding three hundred rupees" shall be inserted; and

(*b*) the words "and the Magistrate shall thereupon issue" to the end of the section shall be omitted.

(3) To the said section the following sub-sections shall be added, namely:—

(2) The Magistrate shall at once examine the complainant on oath and may thereupon dismiss the complaint if in his opinion there is no sufficient ground for proceeding.

(3) If in the opinion of the Magistrate there is sufficient ground for proceeding, he shall issue a summons or warrant, as he may think proper, for bringing before him such artificer, workman or labourer and shall hear and determine the case."

Substitution of new sections for Section 2.

(2) For Section 2 of the Act the following sections shall be substituted, namely

Order for repayment of advance or performance of contract.

2 (1) "If it shall be proved to the satisfaction of the Magistrate that such artificer, workman or labourer has received money in advance, not exceeding three hundred rupees, from the complainant on account of any such work, and has wilfully and without lawful or reasonable excuse neglected or refused to perform or get performed the same according to the terms of his contract, the Magistrate may in his discretion either order such artificer, workman or labourer to repay the money advanced, or such part thereof as may be just and proper, within such period and in such instalments, if any, as the Magistrate thinks fit, or order him to perform or get performed such work within such period not exceeding one year as the Magistrate may determine and otherwise according to the terms of the contract:

Provided that no such order shall be made—

(*a*) unless the complaint was brought within three months of the neglect or refusal, or

(*b*) if it is proved that the complainant has on any previous occasion obtained an order under this sub-section against such artificer, workman or labourer.

Explanation.—Where no time has been fixed for the performance of a contract, neglect may be presumed to have occurred on the expiry of such period as the Magistrate deems to be a reasonable time for the performance thereof.

(2) If such artificer, workman or labourer shall fail to comply with an order made under sub-section (1), the Magistrate may sentence him to imprisonment for a period not exceeding three months, or, if the order be for the repayment of a sum of money, for a period which may extend to three months or until repayment is made, whichever period is shorter:

Provided that, where any instalment has been ordered, no sentence of imprisonment exceeding one month shall be passed for default in payment of any one instalment and the aggregate of such sentences shall not exceed three months.

(3) The Magistrate may, from time to time, extend the period for repayment of money advanced or for the performance of work, as the case may be, and may vary the instalments:

Provided that no order shall be made under this sub-section extending beyond one year from the date of the order under sub-section (1) the period within which the work is to be performed.

Pol 1152

16051
103

GEN & REV. SEC.
28 JAN 1921

Legis 28 1 a

No. 865 — R. O. 2.—R. P. B.—12-1920.—1000.

Legis 39-18 2.1

FROM

MAJOR C. T. C. PLOWDEN, I. A.,
FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

To

The Secretary to the Government of
His Highness the Maharaja of Mysore,
Revenue Department.

Pol 28/1

Legs 28/1

Dated Bangalore, 27th January 1921.

SIR,

I JA 1921

I am directed to acknowledge the receipt of your letter No. Pol.740, dated the 10th January 1921, forwarding a copy of the Bill to amend the Breach of Contract Act, 1859, as applied to Mysore, and to state that the Hon'ble the Resident sees no prima facie objection to the Bill being introduced in the Legislative Council as proposed.

I have the honour to be,
Sir,
Your most obedient servant,

FIRST ASSISTANT RESIDENT.

G. R. S. VI.—S-III/9]

DRAFT. 104

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

Section.
File No.
Serial No.

No. 307
1-C

GENERAL AND REVENUE SECRETARIAT,
( )
, *the*.....191

Date of issue.....7/1/25

Signed by.....

NOTIFICATION.

Under Rule 40 of the Rules for the conduct of business of the Mysore Legislative Council, the following Report of the Select Committee on the Bill to amend the Breach of Contract Act, 1859 is published for general information ~~with the Bill as amended by them~~.

By Order,

6.2

Secretary, Mysore Legislative Council.

To

The Compiler, *Mysore Gazette* for publication in Part III of the Gazette in English and Kannada and for supplying 100 spare copies in English and 25 copies in Kannada to this office. Proof should be sent to this office for approval before publication.

File copy

105

NOTIFICATION.

No. 307—*L. C., dated 7th February* 1922.

Under Rule 40 of the Rules for the conduct of business of the Mysore Legislative Council, the following Report of the Select Committee on the Bill to amend the Breach of Contract Act, 1859, is published for general information.

By Order,
C. ABDUL GHANI,
Secretary, Mysore Legislative Council.

Report of the Select Committee on the Bill to amend the Breach of Contract Act, 1859.

We, the members of the Select Committee appointed for the consideration of the Bill to amend the Breach of Contract Act, 1859, have the honor to submit the following report.

Lieut. Col. W. L. Crawford and Mr. C. Srinivasa Rao attended the meeting on invitation, on behalf of the Planters. Col. Crawford pressed for reciprocity in the service of warrants under the Act between Mysore State and British India on grounds which appeared to be strong and convincing. But as the matter was beyond the scope of the functions of the Committee, he was requested to submit a note on the subject for communication to Government. As regards the provisions of the Bill, we have carefully considered them in detail and propose the amendments noted below :—

Clause 2 (1) *proviso* (*a*).—We propose that the period of limitation of three months may be changed to six months as under the conditions prevailing in the Mysore Malnad, the planter may not be, on account of the long and heavy monsoon, able to file his complaint within a shorter period.

Clause 4.—We consider that it is desirable that the contracts referred to herein should be required to be in writing when the money advanced exceeds fifteen rupees. We therefore propose that the following proviso be added to clause 4.

" Provided further that nothing in this Act shall apply to contracts which are not in writing, in cases where the money advanced exceeds fifteen rupees ".

Clause 5.—We also consider that the proviso to this clause may be omitted, as cases relating to old contracts will be few.

File copy

105

NOTIFICATION.

No. 307—*L. C., dated 7th February* 1922.

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C. ABDUL GHANI,
Secretary, Mysore Legislative Council.

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Clause 4.—We consider that it is desirable that the contracts referred to herein should be required to be in writing when the money advanced exceeds fifteen rupees. We therefore propose that the following proviso be added to clause 4.

Provided further that nothing in this Act shall apply to contracts which are not in writing, in cases where the money advanced exceeds fifteen rupees

Clause 5.—We also consider that the proviso to this clause may be omitted, as cases relating to old contracts will be few.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

No. Pol 65 & 66 General and Revenue Secretariat

Bangalore, Dated 25 July 1923

Legn 39-18-3

From

K. Matthan Esq., B.A.,
Chief Secretary to the Government of His Highness the Maharaja of Mysore

To

A. N. L. Cater Esq., I.C.S.,
Secretary to the Hon'ble the Resident in Mysore.

Sir,

I am directed to forward herewith two copies of the Bill to amend the Breach of Contract Act, XIII of 1859 together with copies of the Select Committee report thereon and to state that it is proposed to pass the Bill as amended by the Select Committee at the meeting of the Legislative Council to be held on the 11th August 1923. As this will be the last occasion in which the present Legislative Council will meet and as the reconstituted Council will not be able to meet before March 1924, I am to request you to be so good as to obtain the sanction of the Governor General in Council to pass the Bill on the 11th August 1923. (last para ... the Viceroy)

I have the honor to be,

Sir,

Your most obedient servant,

Chief Secretary to Government.

2. The Bill has been included in the agenda for the next meeting of the Legislative council in anticipation of the sanction of the Govt. of India.

KNN

Pol 161

9271

No. 6305 Enclos. Dated Bangalore, 9th August 1923.

(Leg. '89-18-4.

From

A. N. L. Cater, Esq., I.C.S.,

SECRETARY TO THE RESIDENT IN MYSORE.

10 AUG 1923

To

The Chief Secretary to the Government of
His Highness the Maharaja of Mysore.

Subject:—

A Bill to amend the Breach of Contract Act, XIII of 1859.

Sir,

With reference to your letter No. Pol.65, dated the 25th July 1923, forwarding a copy of the Bill to amend the Breach of Contract Act, 1859, I am directed to state that the Governor General in Council is pleased to accord his consent to the Bill, on the understanding that he retains over it the power and authority which vest in him in virtue of Article 18 of the Treaty of 1913.

504

I have the honour to be,
Sir,
Your most obedient servant,

for SECRETARY TO THE RESIDENT

AVR

REVENUE SECRETARIAT
11 AUG 1923

BJ

REGULATION NO. XI OF 1923.

A Regulation to amend Act XIII of 1859.

(AN ACT TO PROVIDE FOR THE PUNISHMENT OF BREACHES OF CONTRACT BY ARTIFICERS, WORKMEN AND LABOURERS IN CERTAIN CASES.)

Received the assent of His Highness, the Maharaja on the fourth day of September 1923.

WHEREAS it is expedient to amend Act XIII of 1859 as in force in Mysore; His Highness the Maharaja is pleased to enact as follows:—

Amendment of Section 1.

1. (1) Section 1 of the Act shall be renumbered as sub-section (1) of Section 1.

(2) In the said sub-section—

(*a*) after the words "an advance of money" the words "not exceeding three hundred rupees" shall be inserted; and

(*b*) the words "and the Magistrate shall thereupon issue" to the end of the section shall be omitted.

(3) To the said section the following sub-sections shall be added, namely:—

"(2) The Magistrate shall at once examine the complainant on oath and may thereupon dismiss the complaint if in his opinion there is no sufficient ground for proceeding.

(3) If, in the opinion of the Magistrate, there is sufficient ground for proceeding, he shall issue a summons or warrant, as he may think proper, for bringing before him such artificer, workman or labourer and shall hear and determine the case."

Substitution of new sections for Section 2.

2. For Section 2 of the Act the following sections shall be substituted, namely:—

Order for repayment of advance or performance of contract.

"(1) 2. If it shall be proved to the satisfaction of the Magistrate that such artificer, workman or labourer has received money in advance, not exceeding three hundred rupees, from the complainant on account of any such work, and has wilfully and without lawful or reasonable excuse neglected or refused to perform or get performed the same according to the terms of his contract, the Magistrate may in his discretion either order such artificer, workman or labourer to repay the money advanced, or such part thereof as may be just and proper, within such period

G. R. S. VI.—S-III/14]

DRAFT. 19

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

GENERAL AND REVENUE SECRETARIAT,

( )

, *the*.....191 .

Date of issue 23/9/23

Signed by M.C.A.G.

May this be—

(i) Printed?

(ii) Treated as a standing order?

(iii) Published in the "Gazette," English part?

(iv) Translated?

(v) Placed at the disposal of the Press?

(vi) Published in the "Gazette" Kannada part?

Section. Legis

File No. 39-18

Serial No. 91

Proceedings of the Government of H. H. the Maharaja of Mysore.

Order No. P 1753/Ed/ dt 23-9-23.

To the Compiler, Mysore Gazette, for

Ordered that the accompanying.....

Regulation to amend

the Breach of Contract Act, 1859

which received the assent of His Highness the Maharaja, on the fourth

day of September 1923,

be published as Regulation No. XI

of 1923, in the *Mysore Gazette* for general information.

Secretary to Government.

To

The Compiler, *Mysore Gazette*, for publication in Part III of the Gazette, in English and Kannada and for supply of .....spare copies in English, and .....spare copies in Kannada to this office, and .....spare copies in English and .....spare copies in Kannada to the Curator, Government ~~Central Book Depot, Bangalore~~ Proofs should be sent to this office for approval before publication.

as per Standing Orders.

21/9/23.

and in such instalments, if any, as the Magistrate thinks fit, or order him to perform or get performed such work within such period not exceeding one year as the Magistrate may determine and otherwise according to the terms of the contract:

Provided that no such order shall be made—

(*a*) unless the complaint was brought within six months of the neglect or refusal, or

(*b*) if it is proved that the complainant has on any previous occasion obtained an order under this sub-section against such artificer, workman or labourer.

Explanation.—Where no time has been fixed for the performance of a contract, neglect may be presumed to have occurred on the expiry of such period as the Magistrate deems to be a reasonable time for the performance thereof.

(2) If such artificer, workman or labourer shall fail to comply with an order made under sub-section (1), the Magistrate may sentence him to imprisonment for a period not exceeding three months, or, if the order be for the repayment of a sum of money, for a period which may extend to three months or until repayment is made, whichever period is shorter:

Provided that, where any instalment has been ordered, no sentence of imprisonment exceeding one month shall be passed for default in payment of any one instalment, and the aggregate of such sentences shall not exceed three months.

(3) The Magistrate, may, from time to time, extend the period for repayment of money advanced or for the performance of work, as the case may be, and may vary the instalments:

Provided that no order shall be made under this sub-section extending beyond one year from the date of the order under sub-section (1) the period within which the work is to be performed.

(4) No repayment of any money or order therefor shall deprive the complainant of any civil remedy whether for the recovery of any money advanced and remaining unpaid or otherwise, which he may have otherwise than under this Act.

Inequitable contracts not to be enforced.

2A. The Magistrate may in his discretion refuse to make an order under Section 2 where in his opinion the contract in respect of a breach of which the complaint has been made was substantially unfair.

Compensation in false or frivolous or vexatious complaints.

2B. (1) If in any proceedings under this Act the Magistrate is of opinion that the complaint was false to the knowledge of the complainant or was frivolous or vexatious, he may in his discretion call upon the complainant forthwith to show cause why he should not pay compensation to the person complained against.

(2) The Magistrate shall consider any cause which such complainant may show, and, if after so doing he is satisfied that the accusation was false to the knowledge of the complainant or was frivolous, or vexatious, he may, for reasons to be recorded,

direct that compensation not exceeding fifty rupees be paid by the complainant to the person complained against.

(3) Compensation for the payment of which an order is made under sub-section (2) shall be recoverable as if it were a fine, and the Magistrate may, by the order directing payment of the same, further order that in default of payment the complainant shall suffer simple imprisonment for a period which may extend to thirty days or until payment is made whichever period is shorter."

Amendment of Section 3.

3. In Section 3 of the Act for the words " to be imprisoned with hard labour " the words " to imprisonment " shall be substituted

Substitution of a new section for Section 4. To what contracts the Act extends.

4. For Section 4 of the Act the following section shall be substituted, namely :—

" 4. In this act, the word " contract " shall extend to all contracts within the meaning of the Indian Contract Act, 1872, as applied to Mysore :

Provided that nothing in this Act shall apply to contracts where a period having been specified for performance such period exceeds one year.

Provided further that nothing in this Act shall apply to contracts which are not in writing, in cases where the money advanced exceeds fifteen rupees."

Addition of a new section after Section 4. Exemption of women from the operation of the Act.

5. After Section 4 of the Act, the following new section shall be added :—

" 4A. Nothing herein contained shall apply to breaches of contract on the part of artificers, workmen and labourers where such artificer, workman or labourer is a woman."

A. R. BANERJI,
Dewan.

VI

App. F. IX-4

1928.

File No. 39-18

Previous References (Legis)

Legis 39-18 (1-5)

Serial Nos. nil

Later References

82

General and Revenue Secretariat.

Serial Nos. nil

Part B for August 1923.

SUBJECT

Correspondence relating to an amendment to Breach of Contract Act 1859 (Regn no XI of 1923).

Manaswamy Iyengar.
27.4.23.

Statement showing the opinions of the Planters' Associations and the Representative Assembly members of the Kadur and Hassan Districts re exempting women from arrest under the Breach of Contract Act

Name of the Planters' Association or member of the Representative Assembly.	Opinions re the amendment of Breach of Contract Act so as to exempt women from arrest.
Kadur District.	
1. Honorary Secretary, South Mysore Planters' Association, Saklespur.	For the proposed amendment.
2. Hon. Secretary Bababuden Planters' Association, Santaveri.	do
3. Mr. C. H. Godfrey.	do
4. " B. Kesaviah.	do
5. " T. Mallegowda.	do
6. " H. Krishna Rao.	do
7. " Bukkambudi Veeriah.	do
8. " B. Rungarajiah.	do
9. " Nittur Nanjundiah.	do
10 " M. Kalasegowda.	Not in favour of amendment.
11 " C. Rasool Khan.	Not in favour of amendment.
12." T. Syed Khaji Peeran.	Not in favour of amendment.
13." Kallegowda.	Not in favour of amendment.
Hassan District.	
1. Hon. Secretary South Mysore Planters' Association.	Majority of the members are in favour of the amendment provided that old contracts are not affected thereby and that in case of castes in which property is held by the females some alternative course is adopted.
2. South Mysore Native Planters' Association.	Against any amendment.
3. Members of the Representative Assembly.	Nearly all are for the amendment.

D.M. Gadag

Statement showing the no. of cases in which proceedings were issued against women under the Breach of Contract Act.

Name of Dt.	No. of Cases	Number actually arrested	Number imprisoned	Remarks.
4 Tumkur,	nil	nil	nil	✓
506 Bangalore	— Nil —			✓
10 & 11 Mysore	1	-		case dismissed the very day
7. Kadur	678	248	3	-
8. Shimoga	3	3	nil	Complaint withdrawn
9. Chitaldrug	3	3	nil	
12 Kolar	— Nil —			✓
13. Hassan	85	85	-	✓
Total	770	339	3	

NOTIFICATION

No. 512—L. C., dated 5th April 1921.

Under Rule 31—1 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill to amend Act XIII of 1859 is published for general information with the statement of objects and reasons.

By Order.

P. MAHADEVAYYA,

Secretary, Mysore Legislative Council.

Bill to amend Act XIII of 1859.

(AN ACT TO PROVIDE FOR THE PUNISHMENT OF BREACHES OF CONTRACT, BY ARTIFICERS WORKMEN AND LABOURERS IN CERTAIN CASES).

Whereas it is expedient to amend Act XIII of 1859 as in force in Mysore; His Highness the Maharaja is pleased to enact as follows:—

Amendment of Section 1.

1. (1) Section 1 of the Act shall be renumbered as sub-section (1) of Section 1.

(2) In the said sub-section—

(*a*) after the words "an advance of money" the words "not exceeding three hundred rupees" shall be inserted; and

(*b*) the words "and the Magistrate shall thereupon issue to the end of the section shall be omitted.

(3) To the said section the following sub-sections shall be added, namely:—

(2) The Magistrate shall at once examine the complainant on oath and may thereupon dismiss the complaint if in his opinion there is no sufficient ground for proceeding.

(3) If in the opinion of the Magistrate there is sufficient ground for proceeding, he shall issue a summons or warrant, as he may think proper, for bringing before him such artificer, workman or labourer and shall hear and determine the case."

Substitution of new sections for Section 2.

(2) For Section 2 of the Act the following sections shall be substituted, namely:—

Order for repayment of advance or performance of contract.

2 (1) "If it shall be proved to the satisfaction of the Magistrate that such artificer, workman or labourer has received money in advance, not exceeding three hundred rupees, from the complainant on account of any such work, and has wilfully and without lawful or reasonable excuse neglected or refused to perform or get performed the same according to the terms of his contract, the Magistrate may in his discretion either order such artificer, workman or labourer to repay the money advanced, or such part thereof as may be just and proper, within such period and in such instalments, if any, as the Magistrate thinks fit, or order him to perform or get performed such work within such period not exceeding one year as the Magistrate may determine and otherwise according to the terms of the contract:

Provided that no such order shall be made—

(*a*) unless the complaint was brought within three months of the neglect or refusal, or.

(*b*) if it is proved that the complainant has on any previous occasion obtained an order under this sub-section against such artificer, workman or labourer.

Explanation.—Where no time has been fixed for the performance of a contract, neglect may be presumed to have occurred on the expiry of such period as the Magistrate deems to be a reasonable time for the performance thereof.

(2) If such artificer, workman or labourer shall fail to comply with an order made under sub-section (1), the Magistrate may sentence him to imprisonment for a period not exceeding three months; or, if the order be for the repayment of a sum of money, for a period which may extend to three months or until repayment is made, whichever period is shorter:

Provided that, where any instalment has been ordered, no sentence of imprisonment exceeding one month shall be passed for default in payment of any one instalment, and the aggregate of such sentences shall not exceed three months.

(3) The Magistrate may, from time to time, extend the period for repayment of money advanced or for the performance of work, as the case may be, and may vary the instalments:

Provided that no order shall be made under this sub-section extending beyond one year from the date of the order under sub-section (1) the period within which the work is to be performed

(4) No repayment of any money or order therefor shall deprive the complainant of any civil remedy whether for the recovery of any money advanced and remaining unpaid or otherwise, which he may have otherwise than under this Act.

Inequitable contracts not to be enforced.

2. A. The Magistrate may in his discretion refuse to make an order under Section 2 where in his opinion the contract in respect of a breach of which the complaint has been made was substantially unfair.

Compensation in false or frivolous or vexatious complaints.

2. B. (1) If in any proceedings under this Act the Magistrate is of opinion that the complaint was false to the knowledge of the complainant or was frivolous or vexatious, he may in his discretion call upon the complainant forthwith to show cause why he should not pay compensation to the person complained against.

(2) The Magistrate shall consider any cause which such complainant may show, and, if after so doing he is satisfied that the accusation was false to the knowledge of the complainant or was frivolous, or vexatious, he may, for reasons to be recorded, direct that compensation not exceeding fifty rupees be paid by the complainant to the person complained against.

(3) Compensation for the payment of which an order is made under sub-section (2) shall be recoverable as if it were a fine, and the Magistrate may, by the order directing payment of the same, further order that in default of payment the complainant shall suffer simple imprisonment for a period which may extend to thirty days or until payment is made whichever period is shorter.

Amendment of Section 3.

3. In Section 3 of the Act for the words "to be imprisoned with hard labour" the words "to imprisonment" shall be substituted.

Substitution of a new section for Section 4.

4. For Section 4 of the Act the following section shall be substituted, namely :—

To what contracts the Act extends.

4. "In this act, the word "contract" shall extend to all contracts within the meaning of the Indian Contract Act, 1872, as applied to Mysore :

Provided that nothing in this Act shall apply to contracts where a period having been specified for performance such period exceeds one year.

Addition of a new section after Section 4.

5. After Section 4 of the Act, the following new section shall be added :—

Exemption of Women from the operation of the Act.

4.A. Nothing herein contained shall apply to breaches of contract on the part of artificers, workmen and labourers where such artificer, workman or labourer is a woman, provided that such contracts shall not have been entered into before (Here enter the date on which the Bill becomes law).

Statement of Objects and Reasons.

The question of the desirability of amending Act XIII of 1859 as introduced into Mysore by the Government of India Notification No. 110—Rev., dated the 23rd March 1866, so as to prohibit the arrest and imprisonment of women in cases falling under the Act was raised in the Representative Assembly of 1917, and has been under consideration since. The majority of the Judges of the Chief Court and the members of the Representative Assembly and the Planters' Associations in the Kadur and Hassan Districts are in favour of exempting women from the operation of the said Act. It is not, however, intended to extend the exemption in the case of old contracts entered into before the amendment comes into force. This proposal is given effect to in the last clause of the bill appended hereto.

Opportunity is also taken to adopt the several important amendments recently introduced by the British Indian Legislature by Act No. XII of 1920. These amendments have been introduced by reason of the fact that the old Act is unsuited in many respects to modern conditions and is further liable to be abused by employers. It is proposed by these amendments to restrict the application of the Act to cases where the advance does not exceed three hundred rupees and the time for the performance of the contract, when a time is fixed, does not exceed one year. A period of limitation (three months from the date of refusal or neglect) is also fixed for the institution of a complaint. Again discretion is vested in the Magistrate to refuse to put the Act into operation, if he considers that the terms of the contract are substantially unfair to the workmen. Similarly, the Magistrate is empowered to throw out a complaint after examining the complainant on oath and without compelling the appearance of the workmen, if it appears to him that there is no ground for proceeding. He can also award compensation to workmen if he is satisfied that the complaint is false, frivolous or vexatious. Further where a breach of contract has been proved, the Magistrate will have discretion to order either repayment of the advance or performance of the contract and will no longer be bound by the option of the complainant. He will also have power to allow time for repayment and to order payment by instalments and, if the order is for performance of the contract, to fix a time not exceeding one year therefor. Any such order may be varied at the discretion of the Magistrate, but not so as to extend the period fixed for performance of a contract beyond one year. Finally the Bill enables imprisonment of either description to be awarded as a punishment for a breach of contract. Under the existing law, the imprisonment must, if ordered, be rigorous.

I. R. S. VI—6/32]

SUBJECT.....

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Diary No. of letter replied to

General and Revenue Secretariat

( )

, the *191* .

Date of issue 2-8-91

Signed by Jno. P. Lee.

Section

File No.

Serial No.

No. 63-64

A. G. 92

To.

The Secretary of
Hassan & Kadur

Sir,

I am directed to forward herewith 6 copies of the Bill to amend the Breach of Contract Act, 1859 and to state that it was read in council and referred to a Select committee

over.

at the meeting of the
Legislative Council on the 27th June
1921. It is proposed
to invite two representatives
of the Planter community,
one from the European and the other from the Indian community,
to be present at the
sittings of the ~~Legislative~~
Select Committee
to give the benefit of their
advice. I am to
request you to suggest
the names of
two planters (one from each community)
List of enclosures.
for this purpose
as early reply
is requested.

I have etc

Copied by

Examined by

for Secy. Legislative Council

MK
26.6.21

518

No. 1086 / 21-22

OFFICE OF THE DISTRICT MAGISTRATE,
KADUR DISTRICT.

Dated Chikmagalur. 4th August 192 1.

FROM

K. Mylar Rao, Esq., B.A., B.L.,
District Magistrate,
Kadur District.

To

P. Mahadevayya, Esq., B.A., B.L.,
Secretary, Mysore Legislative Council,
BANGALORE.

Please send it over
P.M. 15/8 Leg 578

SIR,

With reference to your letter No. 63-64/L.C. dated the 2nd instant, I have the honor to request you to be so good as to send the copy of the Bill to amend the Breach of Contract Act of 1859, as the same has not been received with the letter under reply.

PROTECTION 5 AUG 192

I have the honor to be,
Sir,
Your most obedient servant,

K Mylar Rao
District Magistrate,
Kadur District.

BSAK.

G. R. S. VI—G/32]

SUBJECT.....

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.....

Diary No. of letter replied to.....

General and Revenue Secretariat

(-)

, *the* 191 .

Date of issue 9/8

Signed by Sri Rao

Section

File No.

Serial No

No. 6389 Contract

To

The D.C.s & Treasurers
Kendrapara.

Sir,

In continuation of this office letter No. 63-64 dt. 2-8-21 I am directed to forward herewith a copy of the Bill to amend the Breach of Contract Act, 1859.

I have etc

D. Secy.

for Secy. Legl. Dept.

6/8

659
9

No. 7-21
9

Office of the District Magistrate.

Hassan District,

Dated, Hassan the 11th August 1921.
13

From

B. Venkoba Rao, Esquire, B.A.,

District Magistrate, Hassan District.

To

The Secretary,

Mysore Legislative Council,

Bangalore.

Sir,

Adverting to your letter No. 63-64/L.C. dated the 2nd instant in the matter of inviting two representatives of the Planter Community to be present at the sittings of the Select Committee to consider the Bill to amend the Breach of Contract Act, I have the honor to suggest that Lieutenant Colonel W.L. Crawford, D.S.O., and Mr. Malali Venkatramiah, President of the Indian Planters' Association may be invited as representatives.

I have the honor to be,

Sir,

Your most obedient servant,

B. Venkoba Rao

District Magistrate,

Hassan District.

No. J C 86 / 21-22

OFFICE OF THE DISTRICT MAGISTRATE,
KADUR DISTRICT.

Dated Chikmagalur, 19th August *192*1

From

K. Mylar Rao, Esq., B.A., B.L.,
District Magistrate,
Kadur District.

To

P. Mahadevayya, Esq., B.A., B.L.,
Secretary, Mysore Legislative Council,
BANGALORE.

Sir,

With reference to the correspondence ending with your letter No. J. 638-9 Legis. dated the 9th August 1921, I have the honor to append in the margin the names of planters who, I think, may be consulted by the Select Committee in considering the bill to amend the Breach of Contract Act of 1859.

European Planters

1. Mr. C.H.Godfrey,
   Planter Yellakodige-
   Estate, Aldur Post.
2. Mr. N.G.B. Kirwan,
   Planter Arabidcool Estate,
   Chikmagalur Post.

Native Planters

1. Mr. C. Vasudeva Rao,
   Coffee Planter,
   Chikmagalur.
2. Mr. C. Sreenivasa Rao,
   Coffee Planter,
   Chikmagalur.
3. Mr. T. Narasinga Rao,
   Coffee Planter,
   Chikmagalur.

2. I have not consulted these gentlemen regarding their willingness to attend the Committee meeting as only one from each community has to be selected.

I have the honor to be,

Sir,

Your most obedient servant,

K Mylar Rao

District Magistrate,

Kadur District.

B.S.A.K.

G. S. VI—G/32]

SUBJECT.....

.....

.....

Diary No. of letter replied to——

General and Revenue Secretariat

( )

, *the* *191* .

Date of issue 28/8/24

Signed by Mr. P.M.

Section

File No.

Serial No.

No. 80-1 ont (1924)
d C

To,

The Dt. Magistrate
Hoogsaur.

Sir,

With reference to your letter Dis Dis No 7-21 D/ 11th August 1924 suggesting the names of Lt. Col. Crawford for Mr. Malabi Venkataramiah for being consulted by the Select committee to

over.

G/2/24

Bill to amend The BE
of Contract Act, 1872.
I am directed to request
that two more names
may be suggested, one
from each community
as desired in this Office
letter No 6331-64 dy 2-8-21

2

of enclosures.

Copied by

Examined by

No. R.Cc 18-21 Office of the District Magistrate,
Hassan District,
Dated, Hassan the 2nd September 1921.

From

B. Venkoba Rao, Esquire, B.A.,
District Magistrate, Hassan District.

To

The Secretary,
Mysore Legislative Council, Bangalore.

Sir,

With reference to your letter No.80/L.C. dated the 25th ultimo requesting to suggest two more names of planters one from each community to consider the Bill to amend the Breach of Contract Act 1859, I have the honor to suggest that Messrs: C. Lake of Warthalli Estate, Saklespur Post and K. Thammaiaya, Coffee Planter, Belur may be invited for the purpose.

I have the honor to be,
Sir,
Your most obedient servant,

B. Venkoba Rao

District Magistrate,
Hassan District.

G. R. S. VI—s-III/3]

DRAFT.

SUBJECT .....

.....

.....

Section.
File No.
Serial No.

Diary No. of letter replied to.....

No. 93-98 L.C

OFFICIAL MEMORANDUM.

GENERAL AND REVENUE SECRETARIAT,

( )

the.....191

To

X .....

Member, Mysore Legislative Council.

Date of issue.....23-9-21.....

Signed by.....Asst. C.A. Ramu.....

A meeting of the select Committee to consider the bill.....to amend the Breach of Contract Act, 1859,..... will be held in the.....Chambers of the Hon'ble Member in Council, Public Offices buildings, Bangalore at.....Bangalore.....on.....Saturday the.....5th November 1921

1) K. Matthan, Esq., B.A

2) R. N. Angar, Esq., Bar-at-law

3) C. S. Balasundaram Iyer, Esq., B.A

4) Rao Saheb H. Chennaya

5) Rao Bahadur M. C. Ranganathar, B.A

6) H. Krishna Rao, Esq

By Order,

20.9.21.

Secretary, Mysore Legislative Council.

Copy to each section

25/9 Copy to P.A. to Hon'ble Members

G S. VI—G/32]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

Section

File No.

Serial No

General and Revenue Secretariat

( )

, *the* 191 .

No. 99-100 L.C

To

Date of issue 23-9-21

Signed by Mr C. A Cairns.

The Dy. Commr

1) Hassan Dt.

2) Kadur Dt

Sir,

With reference to the correspondence ending with your letter 1) No R.O.C 18.21 of 2nd Sept. 2. No J.C 86/21-22 of the 19th Augt. 21. the consideration of the Bill to amend the Indian Contract Act, 1859, I am directed to state that Govt. have decided to

over.

mmittee 1) Lt. Col W. L. Crawford, D.S.O
~~the present~~ 2) Mr C. Srinivasa Rao
~~for consultation~~ at the Meeting of the
Select Committee for the consideration of
the said Bill.

The Select Committee
is to meet at 8.30 a.m.
on Saturday the 5th Nov. 1921
in the Chambers of the
Hon Member of Council,
Public Office buildings,
Bangalore

I am to request that
the gentleman selected
may be kindly requested
to make it convenient
to be present at the
meeting

I have etc

Cadj
20.9.21

Secy Legis el

List of enc

Copied by

Examined by

20/9/21

invite 1) Lt. Col. W. L. Crawford, D.S.O
& the pleasure 2) Mr. C. Srinivasa Rao
~~for consultation~~ at the meeting of the
Select Committee for consideration of
the said Bill.

The Select Committee
is to meet at 8.30 a.m.
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Hon'ble Member of Council,
Public Office buildings,
Bangalore.

I am to request that
the gentleman selected
may be kindly requested
to make it convenient
to be present at the
meeting.

I have etc

Cadj
20.9.21.

Secy Legs Dept.

List of enclosures.

Copied by

Examined by

20/9/21

Camp 'Bhakti Vilas', Sri Rampet,
Mysore, 4th Oct 1921.

Dear Sir,

With reference to your letter No. 93-98 L.C. of the 23rd ult. intimating that a meeting of the Select Committee to consider the Bill to amend the Breach of Contract Act, 1859, will be held at Bangalore at 8.30 A.M. on Saturday the 5th Nov 1921 I write to inform you that as I have to attend the first

meeting of the newly constituted Municipal Council of Bangalore for the election of the President of which I am a member, at 8 A.M., on the above date (5-11-21), I regret to state that I shall not be able to be present at the meeting of the Select Committee referred to in your letter under reply

Yours sincerely
M Krishnaya

To C. Abdul Gani Esq. B.A. B.L.,
Secretary to the Mysore Legislative Council

DIARY No. 1676

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

This may be noted for the personal file of the 3rd Member

3rd Member

Case 1.11.21

3/11

Mark on the file. Case
The hearing on the 5th. 3.11
Le 3.11

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form

N. S. Nanjundiah,
Member, Mysore Legislative Council,
H a s s a n.

20th October 21.

Mir Hamza Husein, Esq., B.A., B.L.,
Member of Council, Camp Mysore.

Sir,

You are aware that the Bill to amend the Breach of Contract Act is in the hands of the Select Committee. On enquiry I found that a doubt is entertained whether the maximum of Rs. 300/- applies to each individual labourer who takes an advance or also to Maistries who take advances to bring a large number of labourers and also work on the Estates. Generally Planters advance thousands to Maistries to get necessary number of Coolies. I would suggest that this point may be made clear in our Regulation though the British Indian Act is silent in this respect.

2. In the second place, there are some decisions which hold that the Act is not applicable to cases where two or more persons jointly take an advance and agree to work, as in such cases, it becomes difficult to apportion the liability. If possible I would suggest this point also being made clear.

3. More than these, the real difficulty seems to be that warrants issued by our State Courts are not executable in British India. Most of the labour consists

consists of below Ghat coolies and Maistries, who take large advances and run away from the State limits, to South Canara or Coorg. In fact they can afford to sit on the fence and jump on to other side when a warrant goes; while on the other hand, warrants issued by British Indian Magistrates are executed here. I think there is no safety for our Estate owners and other employers of labour unless we get reciprocity in these matters.

In this connection I may mention one thing. Recently reciprocity in the matter of execution of Civil Court decrees has been recognized. The Breach of Contract Act is also condemned recently, and its repeal favourably considered in the recent debates in the British Indian Legislature, on the ground that a Civil liability should not be converted into a crime and so on. Admittedly the first portion of the procedure laid down in the Act, savours of a Civil remedy, in as much as the Act provides for an order for payment of money or for carrying out the work agreed upon, the Criminal liability arising on disobedience of the said order. In this view of the matters, I think we can urge and demand reciprocity with greater force in respect of warrants issued under the Act. I believe however that warrants issued by City Magistrate in Bangalore have often been executed in the

C. & M. Station Bangalore, the warrant fee however being Rs. 3/- instead of Re. 1/-. How this happened to come about I do not know - The reason probably is - but I do not know - that C. & M. Station forms part of Mysore State, though the administrative control rests with the British.

4. May I take the liberty of suggesting that Messrs. A. L. Hill, O.B.E., M.C., Hony. Secretary, South Mysore Planters' Association (Biccode Coffee Estate), A. Mohamed Hussain, Sowcar and Coffee Planter, Arehally, and Thammaiya. Coffee Planter, Belur may also be consulted.

5. My ~~ambition~~ desire is that if possible, our Regulation may be a great improvement on the British Indian Act and also serve the purpose in full, without of course trenching upon the legitimate rights of the labourers.

I remain, Sir,

Yours sincerely,

K. Narayanaiah

Member,
Mysore Legislative
Council, Hassan.

Riccode,
Belagodu P.O.,
Hassan District,
Mysore State,

28-10-21.

Dear Sir,

I have to thank you for your letter, P.O. No. 167-169/L.C of 27-10-21, and it's enclosure.

The proposed amendment of Act XIII of 1859 was discussed at a Meeting of the Association on 20-10-21, so I am able to give it's views, not merely my own.

In Section 2 (1) (a) of the Bill, the Association would prefer the substitution of "six months" for "three months", the extended period also appearing to be fairer to the Workmen.

The point that the Association wishes to urge most strongly is the removal of the handicap under which all employers of labour in Mysore now suffer in that, although warrants issued under this Act in British India can be executed in Mysore, similar warrants issued in Mysore can not be executed in British India. This is a very real handicap and seems contrary to and subversive of justice and a direct encouragement to dishonesty. Nor does there appear to be any reason why Mysore should labour under this disadvantage. The Association is most anxious that Government should take up this matter and have the inequality removed.

It is realised that the object in view can not be secured by legislative action in Mysore and that the question will have to be taken up with the Government of India. It is considered however that the proposed amendment of the Act in Mysore presents the best possible opportunity to move in the matter.

I am endeavouring to collect facts and figures, as

asked for by the Dewan in his reply to addresses at the Dusserah Assembly, and these will be in the hands of Lt.-Col. W.L.Crawford, D.S.O., of this Association, who has been invited by Government to attend the Meeting of the Select Committee to consider the Bill.

I may say that all three Mysore Planters' Association are in entire agreement in regarding the reciprocity of warrants as a matter of the first importance.

In conclusion I wish to thank you for ascertaining the views of this Association.

Yours sincerely,

C. A. Abdul Chani

Hon. Sec., South Mysore Planters' Association.

To

C.Abdul Chani, Esq.,

Secretary, Legislative Council.

G. R. S. VI.—S-III/11]

DRAFT.

SUBJECT.....

.....

.....

Section.
File No.
Serial No.

No. 245-99 L. C / Enc. 1

Diary No. of letter replied to.....

To

X .....

Member, Mysore Legislative Council.

GENERAL AND REVENUE SECRETARIAT,

( )

, the.....*191* .

SIR,

Date of issue 27/12/99

Signed by Illegible

I am directed to forward herewith a copy of the draft report of the Select Committee on the Bill to amend the Prevention of Contempt, 1859 .....

.....

~~with a copy of the Bill as amended by the Committee~~ and to request you to kindly return the same with your approval or other remarks, if any.

X 1) Dr. Matthew, Esq. B.A

2) C. S. Balasundaram Iyer, Esq., B.A

3) R. N. Aiyar, Esq., Bar-at-Law

4) Rao Bahadur M. C. Rangiengar, B.A

5) H. Krishna Rao, Esq.

I have, etc.,

Illegible

Secretary, Mysore Legislative Council.

19/12/99

Draft report of the Select Committee on the Bill to amend the Breach of Contract Act, 1859.

******

We, the members of the Select Committee appointed for the consideration of the Bill to amend the Breach of Contract Act, 1859, have the honor to submit the following report t Col. W.L. Crawford and Mr. C.Srinivasa Rao attended the meeting on invitation, on behalf of the Planters Col. Crawford pressed for reciprocity in the service of warrants under the Act between Mysore State and Br. India on grounds which appeared to be strong and convincing. But as the matter was beyond the scope of the functions of the Committee, he was requested to submit a note on the subject for ~~being placed in the record for necessary action by the Government~~ Communication to Govt. As regards the provisions of the Bill, we have carefully considered them in detail and propose the amendments noted below :--

Clause 2 (1) proviso (a).

We propose that the period of limitation of three months may be changed to six months as under the conditions prevailing in the Mysore Malnad, the planter may not be, on account of monsoon conditions, able to file his complaint within a shorter period.

Clause 4.

We consider that it is desirable that the contracts referred to herein should be required to be in writing when the money advanced exceeds fifteen rupees. We therefore propose that the following proviso be added to clause 4 -----

Provided further that nothing in

in this Act shall apply to contracts which are not in writing, in cases where the money advanced exceeds fifteen rupees"

Clause 5. We also consider that the proviso to this clause may be omitted, as cases relating to old contracts will be few.

As the Bill has not been materially altered, we consider it unnecessary - republish it with corrections.

Draft report of the Select Committee on the Bill to amend the Breach of Contract Act, 1859.

******

We, the members of the Select Committee appointed for the consideration of the Bill to amend the Breach of Contract Act, 1859, have the honor to submit the following report.

Lt. Col. W.L. Crawford and Mr. C. Crinivasa Rao attended the meeting on invitation, on behalf of the Planters. Col. Crawford pressed for reciprocity in the service of warrants under the Act between Mysore State and British India on grounds which appeared to be strong and convincing. But as the matter was beyond the scope of the functions of the Committee, he was requested to submit a note on the subject for communication to Government. As regards the provisions of the Bill, we have carefully considered them in detail and propose the amendments noted below :--

Clause 2 (1) proviso (a). We propose that the period of limitation of three months may be changed to six months as under the conditions prevailing in the Mysore Malnad, the planter may not be, on account of the long and heavy monsoon, able to file his complaint within a shorter period.

Clause 4. We consider that it is desirable that the contracts referred to herein should be required to be in writing when the money advanced exceeds fifteen rupees. We therefore propose that the following proviso be added to clause 4 --

" Provided further that nothing in this Act shall apply contracts which are not in writing, in cases where the money advanced exceeds fifteen rupees."

Clause 5. We also consider that the proviso to this clause may be omitted, as cases relating to old contracts will be few.

As the Bill has not been materially altered, we consider it unnecessary to republish it with corrections.

Draft report of the Select Committee on the Bill t
the Breach of Contract Act, 1859.

******

We, the members of the Select Committee appointed for the consideration of the Bill to amend the Breach of Contract Act, 1859, have the honor to submit the following report.

Lt. Col. W.L. Crawford and Dr. C. Srinivasa Rao attended the meeting on invitation, on behalf of the Planters. Col. Crawford pressed for reciprocity in the service of warrants under the Act between Mysore State and British India on ground which appeared to be strong and convincing. But as the matter was beyond the scope of the functions of the Committee, he was requested to submit a note on the subject for communicatio to Government. As regards the provisions of the Bill, we have carefully considered them in detail and propose the amendments noted below :--

Clause 3 (1) proviso (a). We propose that the period of limitation of three months may be changed to six months as under the conditions prevailing in the Mysore Malnad, the planter may not be, on account of the long and heavy monsoon, able to file his complaint within a shorter period.

Clause 4. We consider that it is desirable that the contract referred to herein should be required to be in writing when th money advanced exceeds fifteen rupees. We therefore propose that the following proviso be added to clause 4 --

" Provided further that nothing in this Act shall apply contracts which are not in writing, in cases where the money advanced exceeds fifteen rupees."

Clause 6. We also consider that the proviso to this clause may be omitted, as cases relating to old contracts will be few.

As the Bill has not been materially altered, we consider it unnecessary to republish it with corrections.

2396
9

GENERAL & REVENUE SECRETARIAT,

D. O.

Dated, Bangalore..23rd..Decr...1921.

No. 3529/Con. Sel 1.

Dear Sir,

I return the draft report of the Select Committee on the Bill to amend the Breach of Contract Act, 1859 duly signed.

Yours sincerely,

C. Abdul Ghani, Esq., B.A., B.L.,
Secretary, Legislative Council.

Draft report of the Select Committee on the Bill to amend the Breach of Contract Act, 1859.

******

We, the members of the Select Committee appointed for the consideration of the Bill to amend the Breach of Contract Act, 1859, have the honor to submit the following report.

Lt. Col. W.L. Crawford and Mr. C. Crinivasa Rao attended the meeting on invitation, on behalf of the Planters. Col. Crawford pressed for reciprocity in the service of warrants under the Act between Mysore State and British India on grounds which appeared to be strong and convincing. But as the matter was beyond the scope of the functions of the Committee, he was requested to submit a note on the subject for communication to Government. As regards the provisions of the Bill, we have carefully considered them in detail and propose the amendments noted below :--

Clause 2 (i) proviso (a). We propose that the period of limitation of three months may be changed to six months as under the conditions prevailing in the Mysore Malnad, the planter may not be, on account of the long and heavy monsoon, able to file his complaint within a shorter period.

Clause 4. We consider that it is desirable that the contracts referred to herein should be required to be in writing when the money advanced exceeds fifteen rupees. We therefore propose that the following proviso be added to clause 4 --

Provided further that nothing in this Act shall apply t contracts which are not in writing, in cases where the money advanced exceeds fifteen rupees."

Clause 5. We also consider that the proviso to this clause may be omitted, as cases relating to old contracts will be few.

As the Bill has not been materially altered, we consider it unnecessary to republish it with corrections.

CP.

Note of qualification by Mr. Hosakoppa Krishna Rao.

I have signed the Report of the Select Committee on the Bill to amend the Breach of Contract Act, 1859, but I wish to add a note of qualification only as supplementing the views of the Committee, because two or more conclusions arrived at by the Committee ill-deserve my whole-hearted approval, and as I do not see my way to subscibe to some of the contentions by which it takes its stand. I wish, I lay down the points on which differenc of opinion arrises from that of my colleagues.

Clause 2. (1) proviso (a). The Committee suggests that the period of limitation of three months may be changed to six months. The pros and cons for such a concession to the employee cannot hold water as the planters of Malnad who seem to be mainly the cause, and for whose support benefit the extension of the period seems to have been proposed, are too shrewd and intelligent enough to avail themselves of the period of three months already in existence, or for the matter of that even a shorter period.. It is a contention which has no precedence, and I am strongly of opinion that this will go to destroy even the small advantage whic the labourer is supposed to breathe now, and strike at the very root of the little freedom which he now seems to enjoy. Th world of labour has now become too wide to admit of this piece of legislation as the new limitation is likely to extend the danger zone of the labourer. The struggling labourer who toils ceaselessly without heart and without hope needs every considera- tion that can possibly be given him. Liberal policy apart from justice, requires that this clause should be left as it was, and I earnestly trust that this will meet with the consideration of the Council.

Lastly, I have to impress upon the Committee and need for the republication of the Bill, in view of the importance involved in it and court public opinion in the matter again, thereby causing an elaborate discussion in the Council which will meet next

---

2404.

Postal Address :—Post Box No. 8. Tel. Address :—Education, Bangalore.

DEPARTMENT OF EDUCATION, GOVERNMENT OF MYSORE.

Office of the Inspector General of
Education in Mysore, Bangalore.

No. 1/3026

Encls.

Dated....26th December 1921.

LAND REVENUE 2 DEC 1921 SECRETARIAT

From C.S. Balasundaram Iyer, Esq.,
THE INSPECTOR GENERAL OF EDUCATION
IN MYSORE

To

C. Abdul Ghani, Esq., B.A., B.L.,
Secretary, Mysore Legislative Council,
Bangalore.

S i r,

With reference to your letter No. 29599/L.C. dated 23rd December 1921, I have the honour to return herewith the draft report of the Select Committee on the Bill to amend the Breach of Contract Act, 1859, as requested. I have no remarks to offer.

I have the honour to be,
Sir,
Your most obedient servant,

C S Balasundaram Iyer

Member,
Mysore Legislative Council.

Draft report of the Select Committee on the Bill to amend the Breach of Contract Act, 1859.

*****

We, the members of the Select Committee appointed for the consideration of the Bill to amend the Breach of Contract Act. 1859, have the honor to submit the following report.

Lt. Col. W.L. Crawford and Mr. C. Crinivasa Rao attended the meeting on invitation, on behalf of the Planters. Col. Crawford pressed for reciprocity in the service of warrants under the Act between Mysore State and British India on grounds which appeared to be strong and convincing. But as the matter was beyond the scope of the functions of the Committee, he was requested to submit a note on the subject for communication to Government. As regards the provisions of the Bill, we have carefully considered them in detail and propose the amendments noted below ...

Clause 2 (1) proviso (a). We propose that the period of limitation of three months may be changed to six months as under the conditions prevailing in the Mysore Malnad, the planter may not be, on account of the long and heavy monsoon, able to file his complaint within a shorter period.

Clause 4. We consider that it is desirable that the contracts referred to herein should be required to be in writing when the money advanced exceeds fifteen rupees. We therefore propose that the following proviso be added to clause 4 --

> Provided further that nothing in this Act shall apply to contracts which are not in writing, in cases where the money advanced exceeds fifteen rupees."

Clause 5. We also consider that the proviso to this clause may be omitted. as cases relating to old contracts will be few.

As the Bill has not been materially altered, we consider it unnecessary to republish it with corrections.

CP.

SAKOPPA KRISHNA RAO
mber, Mysore Legislative Council.

Hosakoppa, P. O. (Koppa-Kadur.)

Date 28-12-1921.

To

J 2436

C. Abdul Khani Esq BA. B L
Secretary, Mysore Legislative
Council.
Bangalore

Leg
Judicial A 36 1/22

JUDICIAL BRANCH 3 JAN 1922 SECRETARIAT

Sir

I have the honour to return herewith the draft Report of the Select Committee on the Bill to amend the Breach of Contract Act, 1859 (forwarded with your letter no. 295-22 L.C. dated the 23rd instant), with a note of qualifications of mine to be appended to the Report.

Kindly acknowledge its receipt.

I have the honour to be
Sir
your most obedient servant.

Illegible

Draft report of the Select Committee on the Bill to amend the Breach of Contract Act, 1859.

We, the members of the Select Committee appointed for the consideration of the Bill to amend the Breach of Contract Act, 1859, have the honor to submit the following report.

Lt. Col. W.L. Crawford and Dr. C. Srinivasa Rao attended the meeting on invitation on behalf of the Planters. Col. Crawford pressed for reciprocity in the service of warrants under the Act between Mysore State and British India on grounds which appeared to be strong and convincing. But as the matter was beyond the scope of the functions of the Committee, he was requested to submit a note on the subject for communication to Government. We have carefully considered them in detail and propose the amendments noted below :--

Clause 2 (1) proviso (a). We propose that the period of limitation of three months may be changed to six months as under the conditions prevailing in the Mysore Malnad, the planter may not be in account of the long and heavy monsoon, able to file his complaint within a shorter period.

Clause 4. We consider that it is desirable that the contracts referred to herein should be required to be in writing when money advanced exceeds fifteen rupees. We therefore propose that the following proviso be added to clause 4 --

"Provided further that nothing in this Act shall apply to contracts which are not in writing in cases where the money advanced exceeds fifteen rupees."

Clause 5. We also consider that the proviso to this clause may be omitted, as cases relating to old contracts will be few.

As the Bill has not been materially altered, we consider it unnecessary to republish it with corrections.

I have signed the Report & the Subject to the Note of qualification appended to this

28/12/82

Note Of Qualification By Mr. Hosakoppa Krishna Rau.

I have signed the Report of the Select Committee on the Bill to amend the Breach of Contract Act, 1859., but I wish to add a note of qualification only as supplementing the views of the Committee, because two or more conclusions arrived at by the Committee ill-deserve my whole-hearted approval, and as I do not see my way to subscribe to some of the contentions by which it takes its stand. I wish, I lay down the points on which difference of opinion arises from that of my colleagues.

Clause 2. (1) proviso (a). The Committee suggests that the period of limitation of three months may be changed to six months. The pros and cons for such a concession to the employee cannot hold water as the planters of Malnad who seem to be mainly the cause, and for whose supposed benefit the extention of the period seems to have been proposed, are too shrewd and intelligent enough to avail themselves of the period of three months already in existence, or for the matter of that even a shorter period. It is a contention which has no precedence, and I am strongly of opinion that this will go to destroy even the small advantage which the labourer is supposed to breathe now, and strike at the very root of the little freedom which he now seems to enjoy. The World of labour has now become too wide to admit of this piece of legislation as the new limitation is likely to extend the danger zone of the labourer. The struggling labourer who toils ceaselessly without heart and without hope needs every consideration that can possibly be given him. Liberal policy apart from justice, requires that this clause should be left as it was, and I earnestly trust that this will meet with the consideration of the Council.

Reciprocity of the service of Warrants under the Act between Mysore State and British India is another matter which requires the best considerations of the Government. I do not at all see my way to endorse the opinion of the Committee that the same is beyond the scope

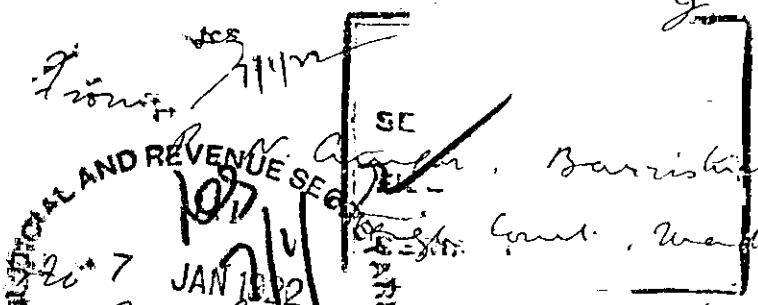
of the

of the functions of the Committee. Even admitting so, it can make a strong recommendation to the Government to re-open correspondence with the Imperial Government, which action, I believe, will lead to a favourable settlement of the affair, in view of the fact that a new adjustment of the relations of the Native States with the Paramount Power is foreshadowed in the recent speech of His Excellency, the Viceroy, in the Chamber of Princess. When Mysore permits warrants to the advantage of the British Indian employee, it will not be too much to ask the Imperial Government for the same being reciprocated in British India under certain safeguards, if necessary in the beginning. This measure, while leading to the improvement of the position of the employers in their relation with the employed who break the contract and find themselves safe in ~~British India~~ British States where warrants from Mysore cannot be executed, will be considered to be one quite consistent with the self-respect of ~~the~~ a progressive State like Mysore. I hope this will meet with the approval of the Committee, and steps be taken to moot the same to the consideration of the Government of India in the matter as would enable the employer to get out of his present disability.

Lastly, I have to impress upon the Committee the need for the republication of the Bill, in view of the importance involved in it and court public opinion in the matter again, by causing an elaborate discussion in the Council which will meet next.

28/12/1921

2484



Sir,

I enclose herein the draft report of the Select Committee on the Workmen's Breach of Contract Act, duly signed by me. Any further remarks to follow

Yours faithfully

Rangoon
11 Jan 12

Draft report of the Select Committee on the Bill to amend the Breach of Contract Act, 1859.

******

We, the members of the Select Committee appointed for the consideration of the Bill to amend the Breach of Contract Act, 1859, have the honor to submit the following report.

Lt. Col. W.L. Crawford and Mr. C. Srinivasa Rao attended the meeting on invitation, on behalf of the Planters. Col. Crawford pressed for reciprocity in the service of warrants under the Act between Mysore State and British India on grounds which appeared to be strong and convincing. But as the matter was beyond the scope of the functions of the Committee, he was requested to submit a note on the subject for communication to Government. As regards the provisions of the Bill, we have carefully considered in detail and propose the amendments noted below :--

Clause 2 (1) proviso (a). We propose that the period of limitation of three months may be changed to six months as under the conditions prevailing in the Mysore Malnad, the planter may not be, on account of the long and heavy monsoon, able to file his complaint within a shorter period.

Clause 4. We consider that it is desirable that the contracts referred to herein should be required to be in writing when the money advanced exceeds fifteen rupees. We therefore propose that the following proviso be added to clause 4 --

Provided further that nothing in this Act shall apply contracts which are not in writing, in cases where the money advanced exceeds fifteen rupees.

Clause 5. We also consider that the proviso to this clause may be omitted, as cases relating to old contracts will be few.

As the Bill has not been materially altered, we consider it unnecessary to republish it with corrections.

R Campbell

7/Mar/27

2447

JAN 1992

Draft report of the Select Committee on the Bill to amend the Breach of Contract Act, 1859.

*****

We, the members of the Select Committee appointed for the consideration of the Bill to amend the Breach of Contract Act, 1859, have the honor to submit the following report.

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Clause 5. We also consider that the proviso to this clause may be omitted, as cases relating to old contracts will be few.

As the Bill has not been materially altered, we consider it unnecessary to republish it with corrections.

3470

HOSAKOPPA KRISHNA RAO.
Member, Mysore Legislative Council.

Hosakoppa P. O., (Koppa-Kadur.)
(SOUTH INDIA.)

10th March 1922

C. Abdul Gahni Esq., B.a. B.L.,
Secretary,
Legislative Council
Bangalore.

Dear Sir

I am rather surprised to find that the whole portion dealing with the matter of 'reciprocity of warrants' between mysore and British India, in my note of Qualification which I sent to you has been ommitted as will be seen from the mysore Gazette, dated 16th February 1922. I wonder at this and pained. Your note has become lose and gives no continuity of thought. It is a pity that all the arguments advanced during the sittings of the Committee, for this Question being solved in justice to the Cause of mysore, are made to appear in the eyes of my Colleagues, by this ommission, as only a temporary volition without any Continuity of objects and views.

Further I am to tell you that I have studied this matter only on reasonable grounds, and no. where, I think, I have exceeded the limits of human aspirations, Considered from both the view-points

as that of His Highness the Maharaja's Government and his subjects. You would have done well if the whole of my note were withheld from publication as all against reporting of this Legislative publication.

May I be known if I can allow the portion omitted, appear in the Press, so that I may give publicity to my views in the matter of responsible Question being very important and as such requiring urgent solution? In case you do not let that fall in with my views may I at least request you to notice this error in the next Mysore Gazette, and the same published in full.

Thanking you in anticipation and with best regards,

Yours sincerely
Ellis Hardy

Please put up file.
I believe, the portion referred to was omitted as per order of the Members.

Sec
14/3

Amendments to Draft Bill to amend the Breach of Contract Act 13 of 1859 as amended by the Select Committee.

Before clause 1, add another clause. In the preamble, for the words "in the several Presidency Towns of Calcutta, Madras and Bombay and in other places, substitute, "in several places in the Mysore State".

2. In Clause 1 (1) after the words "subsection (i) of section 1," add" and for the words 'Presidency Town or in any station of the settlement of Prince of Wales" Island, Singapore and Malacca," substitute 'part of the Mysore State", and transpose the full stop so as to come after the word 'State'.

3. In clause 1, (2) (a), after the word 'and' add, "after the word 'or' after comma following the word perform and before the words 'or to get performed' "an advance of money not exceeding Rs1,000/- on account of any work which he shall have contracted; and"

4. In clause 1 (2), a sub clause (c) shall be added, as follows:-

For the words Magistrate of Police, substitute the words" A Magistrate of 1st Class, or any other Magistrate specially empowered by Government in this behalf", and for the words "complain" substitute the words "prefer a petition".

5. In clause 1, (3) (2) for the words "complainant" and 'complain' substitute the words 'petitioner' and 'petition' respectively.

6. In clause 1 (3), add the following sub clause:—

"Such artificer, workman or labourer may appear either in person or by Pleader and all evidence shall be taken in his presence or in that of his Pleader, and shall

be recorded in the manner prescribed in the case of summons cases, provided that if the Magistrate is satisfied that he is wilfully avoiding service or wilfully neglects to attend Court either in person or by Pleader the Magistrate may proceed to hear and determine the case Ex-parte, and any order so made may be set aside for good cause shown on application made within two months from the date thereof.

(5). (4) Any Artificer, workman, or labourer petitioned against under this section may tender himself as a witness, and in such case shall be examined as such.

(6) The Magistrate in dealing with petitions under this section shall have power to make such orders as to costs as may be just.

7. In clause 2 (1) after the words "three hundred rupees" add, "or one thousand rupees, as the case may be"; and for the words - 'three hundred rupees' - substitute the words, "as aforesaid"; and for the word 'complainant' substitute the word 'petitioner'.

And the proviso to the same clause for the word 'complaint' "substitute the word 'petition', and for the word 'complainant' substitute the word "Petitioner" -

8. In clause 2, (3) after "instalments" add, "he may also for sufficient reason, vary an order for performing work or getting it performed, as the case may be, into one for the payment of money, and vice versa".

In clause 2 (4) for the word "complainant", substitute the word 'petitioner'

9. In clause 2 A, for the words "the complainant

has been made," substitute the words "the petition has been preferred"

10. In clause 2 B, (1) for the words 'complaint' substitute the word "accusation" and for the word "complainant" after the words "knowledge of the", substitute the words "petitioner or complainant as the case may be", and for the words "the complainant" after the words "call upon", the words "such person" shall be substituted and for the word "complained" the word 'proceeded" shall be substituted.

11. In clause 2 B (2) for the word "complainant" substitute the word 'person', and for the words "to the knowledge of the complainant", substitute the words" to his knowledge", or, for the word 'complainant' after the words 'knowledge of', substitute the words "said person". And for the word "complainant" after the words 'by the', substitute the words "petitioner or complainant as the case may be -"

And for the word 'complained' substitute the word "proceeded"

12. In clause (3) of clause 2, for the word "complainant", substitute the words 'petitioner or complainant', ~~substitute the word "accusation" or the word "cases"~~

13. In the marginal note to clause 2 B (1), for the word 'complaints' substitute the word 'accusation' or the word 'cases'.

14. In clause 3, at the end add "and for the word complainant' the word 'petitioner' shall be substituted.

15. To proviso to clause 4, after the word 'rupees' insert the words "or cases of any advances of money jointly made to more persons than one under the same contract"

16. An additional clause ~~6 to the following effect:-~~ may be inserted as Clause 6 to the following effect:-

"Section 5 of the Act shall be repealed".

17. Add an additional clause 5 which may run as ~~follows:-~~ add an additional Section

5. ~~Proceedings~~ Any accusation under this Act, whether for breach of Contract or failure to comply with the order of a Magistrate for payment of money or performance of work, may, at the option of the parties, be compounded and thereupon the ~~petition shall be dismissed or the accused acquitted, as the case may be.~~ ~~breach to comply shall be acquitted.~~ ~~Petition may be dismissed; or the accused acquitted.~~

18. In clause 2 (2), a further proviso may be added as follows:-

"Provided also that no complaint as regards non-compliance with an order under ~~Sub~~ Section (2) shall be entertained unless the complaint be brought within one month of the date ~~fixed~~ allowed for the payment of money or for performing the work or getting the same performed, or within one month from the date of making default in complying with any such order

19. Also add another clause 6 as follows:-

The following additional Section shall be inserted.

6. ~~Any petitioner or artificer, workman or labourer~~ Any person aggrieved by any order passed by the Magistrate under ~~Section~~ 2 (1), 2 (2), 2 (3), or 2 A, and any person who has been ordered under Section 2 (B) by a Magistrate of the Second or third Class to pay compensation to any artificer, workman or labourer proceeded against under this Act,

may within thirty days from the date of such order, ~~per-~~ prefer an appeal to the District Magistrate. The District Magistrate may confirm reverse or alter such order, in such manner as he thinks fit, and shall also have power to direct a further enquiry or take additional evidence or remand the case for a fresh disposal, and to pass such consequential or incidental order that may be just and proper".

20. In clause 2 (B), add a sub clause (4) as follows:-

Where an order for payment of compensation to an artificer, workman or labourer is made in a case which is subject to an appeal as hereinafter provided, the compensation shall not be paid to him before the period allowed for the presentation of the appeal has elapsed, or, if an appeal is presented, before the appeal has been decided.

21. 3. 22

G. R. S. VI—G/32]

SUBJECT.....

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Diary No. of letter replied to

General and Revenue Secretariat

( )

, the 191

Date of issue 9/8/22

Signed by [illegible]

Section

File No.

Serial No

Confidential

No. 402

To

The Dewan Peishkar,
Bangalore Mysore Legislative

Sir,

With reference to your letter of 10th May 1922 in regard to the omission from publication of the 2nd paragraph of your note of Confidential date on the S. C's report on the Breach of Contract Act amending Bill, I am directed to

over.

R/27/3

State that ~~since the pursuer~~ had to be omitted as the portion related to the question of reciprocity in the service of warrants between the State and ~~under the Secretaries~~ British Govt and Bombay, ~~the State of British India~~ ~~a question affecting~~ with the Relations of the State to the British Govt and ~~each~~ consideration except of the Legislative Council.

I have etc

Sir
11/13 21/13 21/13.
Secy Legs Govt

List of enclosures.

Copied by

Examined by

G. R. S. VI—G/32]

SUBJECT.....

.....

.....

Diary No. of letter replied to——————

General and Revenue Secretariat

( )

, *the* *191* .

Date of issue 31/8/09

Signed by Mr A Sheriff

Section

File No.

Serial No

No. 605
L.C

To

N. S. Ramachandriah, Esq.,
Member, Mysore Legislative Council.

Sir,

With reference to the amendments sent by you to the Bill to amend the Breach of Contract Act, 1859, I am directed to request that the language of amendments 1 & 2 may be made clear and send by return of post

over.

The preamble, and the sections as you want them, may be given in full, with your amendments underlined, so as to make things quite clear.

I have etc

Asst Secy
31/3 Legislative

3452

POSTS & TELEGRAPHS.

NOTICE.

This form must accompany any inquiry made respecting this Telegram.

Charges to pay.

Rs.	As.

Service Instructions.

Words 17

Handed in at (Office of Origin)	Date.	Hour.	Minute.
Halifax	1	14	45

Read. here at 15 H. — M.

TO W.H.

Legislative Secretary Bangalore

Will you kindly ask the French Consul to send me a copy of the Treaty between Great Britain and France

N.B.—The name of the Sender, if telegraphed, is written after the text.

Lal Chand & Sons—632—22-5-30—2,50,000 Bks. (Edn. II).

Send invite a draft forwarding a copy.

Esq
T/Glar

Issue
Secy
1/4/22

N. B.—Should routine notes be written on small slips the notes must be cipoed, or slips pasted on this form

G. R. S. VI—G/32]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

, the *191* .

Date of issue 1/6/22

Signed by Hon. Dr. C.S.

Section

File No.

Serial No

No. 406
L. E

To

N. S. Thaeyin Shwin Esq.
BA BL
Member Mysore Legislative

Sir

~~In~~ Reply to your telegram of this day I am directed to forward herewith a copy of the amendments sent by you to the Bill to amend Section 9 of the Contract Act.

I have etc.

over.

Secy Legs Dept 1/6/22

Secy Legs Dept.

3796
9.

To

The Secretary

Mysore Legislative Council

Bangalore.

Hassan.

3rd. April 1922.

Sir

I have the honour to forward herewith as desired, two copies of Breach of Contract Act drafts (1). as per present bill (2). as per my proposals for amendments.

I have the honour to be

sir,

Your most obedient servant

M. Venkatarama Iyengar

Breach of Contract Act XIII of 1859 as amended by Regulation No. of 1922, as per Bill now before the Council, as proposed by Mr. N.S.Nanjundiah.

Act XIII of 1859

An Act to provide for the punishment of breaches of contract by Artificers, Workmen and Labourers in certain cases.

Preamble.

Whereas much loss and inconvenience are sustained by manufacturers, tradesmen and others in several places in the Mysore State, from fraudulent breach of contract on the part of artificers, workmen and labourers who have received money in advance on account of work which they have contracted to perform; and whereas the remedy by suit in the Civil Courts for the recovery of damages is wholly insufficient, and it is just and proper that persons guilty of such fraudulent breach of contract should be subject to punishment; it is enacted as follows:-

1. Complaint to Magistrate if workman neglect toperform work for which he has ~~xxxxx~~ received advance.

(1). When any artificer, workman or labourer shall have received from any master or employer resident or carrying on business in any part of the Mysore State or from any person acting on behalf of such master or employer an advance of money not exceeding three hundread rupees on account of any work which he shall have contracted to perform, or an advance of money not exceeding Rs. 1000/- on account of any work which he shall have contracted to get performed by any other ~~x~~ artificers, workmen or labourers, if such artificer workman or labourer shall, wilfully and without reasonable or lawful excuse neglect or refuse to perform or get performed such work according to the terms of his contract, such master or employer or any such person aforesaid may prefer a petition to a magistrate of First class, or any other magistrate specially empowered by Government in this behalf.

(2). The magistrate shall at once examine the petitioner on oath and may thereupon dismiss the petition if in his

opinion there is no sufficient ground for proceeding.

(3). If in ~~him~~ the opinion of the magistrate there is sufficient ground for proceeding, ~~he~~ shall issue a summons or warrant as ~~the case may be~~ he may think proper, for bringing before him such artificer, workman or labourer, and shall hear and determine the case.

(4). Such artificer, workman or labourer may appear either in person or by Pleader, and all evidence shall be taken in his ~~presence~~ presence or in that of his Pleader, and shall ~~be~~ recorded in the manner prescribed in the case of summons cases;

Provided that if the magistrate is satisfied that he is wilfully avoiding service or wilfully neglect to attend court either in person or by Pleader, the magistrate may proceed to hear and determine the case Ex-parte, Any order so made may be set aside for good cause shown on application made within two months from the date thereof.

(5). Any artificer, workman or labourer petitioned against under this section may tender himself as a witness,and in such case shall be examined as such.

(6). The magistrate in dealing with petitions under this section shall have power to make such order as to costs as may be just.

2. Order for repayment ofadvance orperformance of contract.

(1). If it shall be proved to the satisfaction of the magistrate that such artificer, workman or labourer has receieved money in advance, (as aforesaid), ~~or (or one thousand rupees as the case may be)~~, not exceeding Rs.300/- or ~~(or Rs.~~one thousand rupees~~)~~ as the case may be, from the petitioner on account of any such work, and has wilfully and without lawful or reasonable excuse neglected or refused to perform or get performed the same according to the terms of his contract, the magistrate may in his discretion either order such artificer, workman or labouber to repay the money ~~advanced~~ advanced, or such part thereof as may be just and proper

within such period and in such instalments, if any, as the magistrate thinks fit, or order him to perform or get performed such work within such period not exceeding one year as the magistrate may determine and otherwise according to the terms of the contract;

Provided that no such order shall be made -------

(a). Unless the petition was brought within six months of the neglect or refusal, or

(b). if it is proved that the petitioner has on any previous occasion obtained an order under this sub-section against such artificer, workman or labourer

Explanation------ Where no time has been fixed for the performance of a contract, neglect may be presumed to have occurred on the expiry of such period as the magistrate deems to be a reasonable time for the performance thereof.

(2). If such artificer, workman or labourer shall fail to comply with an order made under sub-section (1), the magistrate may sentence him to imprisonment for a period not exceeding three months, or, if the order be for the payment of a sum of money, for a period which may extend to three months or until repayment is made, whichever period is shorter;

Provided that, where any instalment has been ordered, no sentence of imprisonment exceeding one month shall be passed for default in payment of any one instalment, and the aggregate of such sentences shall not exceed three months:

Provided also that no complaint as regards non-compliance with an order under section 2 (2), shall be entertained ~~unless~~ unless the complaint be brought within one month of the date allowed for the payment of money or for performing the work or getting the same performed, or within one month from the date of making default in ~~complaining~~ complying with such order.

(3). The magistrate may fromtime to time, extend the period for repayment of money advanced or for the performance of work as the case may be, and may vary the instalments: he

he may also for sufficient reason, vary an order for performing work or getting it performed, as the case may be into one for payment of money, and vice versa:

XXX. Provided that no order shall be made under this sub-section extending beyond one year from the date of the order under sub-section (1), the period within which the work is to be performed.

(4). No repayment of any money or order therefor shall deprive the petitioner of any civil remedy whether for the recovery of any money advanced and remaining unpaid or otherwise, which he may have otherwise than under this Act.

Inequitable contracts not to be enforced.

2. A. The Magistrate may in his discretion refuse to make an order under section 2 where in his opinion the contract in respect of a breach of which the petition has been preferred was substantially unfair.

Compensation in false or frivolous or vexatious ~~complaints~~ accusation (or cases)

2. B.(1). If in any proceedings under this Act the Magistrate is of opinion that the complaint was false to the knowledge of the petitioner or complainant, as the case may be, or was frivolous or vexatious, he may in his discretion call upon such person forthwith to show cause why he should not pay compensation to the person proceeded against.

(2). The magistrate shall consider any cause which such person may show, and, if after so doing he is satisfied that the accusation was false to his knowledge (or of such person), or was frivolous, or vexatious, he may, for reasons to be recorded, direct that compensation not exceeding fifty rupees be paid by the petitioner or complainant as the case may be to the person proceeded against.

(3). Compensation for the payment of which an order is made under sub-section (2), shall be recoverable as if it were a fine and the magistrate may, by the order directing payment of the same, further order that in default of payment the petitioner or complainant shall suffer simple imprisonment which may extend to thirty days or until payment is made which period is shorter.

(4). Where an order for payment of compensation to an artificer, workman or labourer is made in a case which is subject to an appeal as herein-after provided, the compensation shall not be paid to him before the period allowed for the presentation of the appeal has elapsed, or, if any appeal is presented, before the appeal has been decided.

3. Magistrate may require workman to give security for due performance of order.

When the magistrate shall order any artificer, workman or labourer to perform or get performed any work according to the terms of his contract, he may also at the request of the petitioner require such artificer, workman or labourer to enter into a recognizance with sufficient security for the due performance of the order; and, in default of his entering into such recognizance or furnishing such security to the satisfaction of the magistrate, may sentence him to imprisonment for a period not exceeding three months.

4. To what contracts the Act extends.

In this Act, the word 'Contract' shall extend to all contracts within the meaning of the Indian Contract Act, 1872, as applied to Mysore:

Provided that nothing in this Act shall apply to contracts where a period having been specified for performance, such period exceeds one year:

Provided further that nothing in this Act shall apply to contracts which are not in writing in cases where the money advanced exceeds fifteen rupees, or cases of any advances of money jointly made to more persons than one under the same contract.

Please see 4 H. in next page.

5. Any accusation under this Act whether for breach of contract or failure to comply with the order of a magistrate for payment of money or performance of work, may, at the option of the parties be compounded and thereupon the petition shall be dismissed, or the accused acquitted, as the case may be.

6. Any petitioner, or artificer, workman or labourer aggrieved by any order passed by the magistrate under section 2 (1), 2 (3) or 2.A; and any person who hasbeen ordered under section 2.B.

by a magistrate of the second or third class to pay compensation to any artificer, workman or labourer proceeded against under h this Act may within thirty days from the date of such order, ~~xxx~~ prefer an appeal to the District Magistrate.

The District Magistrate may confirm, reverse or alter such order, in such manner as he thinks fit, and shall also have power to direct a further inquiry or take addittional evidence, or remand the case for a fresh disposal, and to pass such consequential or incidental order that may be just and proper.

4. A. Nothing herein contained shall apply to breaches of Contract on the part of artificers, workmen and labourers, where such artificer, workman or labourer is a woman.

BREACH OF CONTRACT ACT XIIIOF 1859 as amended by Regulation no. of 1922, as per Bill now before the Council, as amended by the Select Committee.

Act XIIIof 1859.

An Act to provide for the punishment of breaches of contract by Artificers, Workmen and Labourers in certain cases.

Preamble. Whereas much loss and inconvenience are sustained by manufacturers, tradesmen and others in the several presidency-towns of Calcutta, Madras and Bombay, and in other places from fraudulant breach of contract on the part of artificers, workmen and labourers who have received money in advance on account of work which they have contracted to perform; and whereas the remedy by suit in the Civil Courts for the recovery of damages is wholly insufficient, and it is just and proper that persons guilty of such fraudulant breach of contract should be subject to punishment; it is enacted as follows :-

I. Complaint to Magistrate if workman neglect to perform work for which he has received advance.

(1). When any artificer, workman or labourer shall have received from any master or employer resident or carrying on business in any Presidency-town , or in any station of the settlement of the Prince of Wales Island, Singapore and Malaca or from any person acting on behalf of such master or employer an advance of money not exceeding three Hundread rupees on account of any work which he shall have contracted to perform, or to get performed by any other artificers, work-men or labourers, if such artificer workman or labourer shall, wilfully and without reasonable or lawful excuse neglect or refuse to perform or get performrd such work according to the terms of his contract, such master or employer or any such person aforesaid may complain to a magistrate of Police.

(2). The magistrate shall at once exzmine the complainant on oath and may thereupon dismiss the complaint if in his opinion there is no sufficient ground for proceeding.

(3). If in the opinion of the magistrate there is sufficient

(3). The magistrate may, from time to time, extend the period for repayment of money advance or for the performance of work as the case may be, and may vary the instalments:
Provided that no order shall be made under this sub-section extending beyond one year from the date of the order under sub-section (1), the period within which the work is to be performed.

(4). No repayment of any money or order therefor shall deprive the complainant of any civil remedy whether for the recovery of any money advanced and remaining unpaid or otherwise, which he may have otherwise than under this Act.

2. A. The Magistrate may in his discretion refuse to make an order under section 2 where in his opinion the contract in respect of which the complaint has been made was substantially unfair.

B. (1). If in any proceedings under this Act the Magistrate is of opinion that the complaint was false to the knowledge of the complainant or was frivolous or vexatious, he may in his discretion call upon the complainant forthwith to show cause why he should not pay compensation to the person complained against.

(2). The Magistrate shall consider any cause which such complainant may show and if after so doing he is satisfied that the accusation was false to the knowledge of the complainant or was frivolous, or vexatious, he may for reasons to be recorded direct that compensation not exceeding fifty rupees be paid by the complainant to the person complained against.

(3). Compensation for the payment of which an order is made under sub-section (2), shall be recoverable as if it were a fine and the Magistrate may, by the order directing payment of the same. further order that in default of payment the complainant shall suffer simple imprisonment which may extend to thirty days until payment is made whichever period is shorter.

When the magistrate shall or-der any artificer, workman or perform or get performed any work according to the term at the request of the complainan

(3). The magistrate may, from time to time, extend the period for repayment of money advance or for the performance of work as the case may be, and may vary the instalments:
Provided that no order shall be made under this sub-section extending beyond one year from the date of the order under sub-section (1), the period within which the work is to be performed.

(4). No repayment of any money or order therefor shall deprive the complainant of any civil remedy whether for the recovery of any money advanced and remaining unpaid or otherwise, which he may have otherwise than under this Act.

2. A. The Magistrate may in his discretion refuse to make an inequitable order under section 2 where in his opinion the contract in respect of a breach of which the complaint has been made was substantially unfair.

Contracts not to be enforced.

2. B. (1). If in any proceedings under this Act the Magistrate is of opinion that the complaint was false to the knowledge of the complainant or was frivolous or vexatious, he may in his discretion call upon the complainant forthwith to show cause why he should not pay compensation to the person complained against.

False, frivolous or vexatious complaint.

(2). The Magistrate shall consider any cause which such complainant may show and if after so doing he is satisfied that the accusation was false to the knowledge of the complainant or was frivolous, or vexatious, he may for reasons to be recorded direct that compensation not exceeding fifty rupees be paid by the complainant to the person complained against.

(3). Compensation for the payment of which an order is made under sub-section (2), shall be recoverable as if it were a fine and the Magistrate may, by the order directing payment of the same, further order that in default of payment the complainant shall suffer simple imprisonment which may extend to thirty days or until payment is made whichever period is shorter.

3. When the magistrate shall order any artificer, workman or labourer to perform or get performed any work according to the terms of his contract, he shall at the request of the complainant

require such artificer, workman or labourer to enter into a recognizance with sufficient security for the due performance of the order; and, in default of his entering ~~x~~ into such recognizance or furnishing such security to the satisfaction of the magistrate, may sentence him to imprisonment for a period not exceeding three months.

Magistrate may require workman to give security for due performance of order.

4. In this Act, the word ' Contract shall extend to all ~~contrac~~ contracts within the meaning of the Indian Contract Act, 1872, as applied to Mysore.

To what contracts the Act extends.

Provided that nothing in this Act shall apply to contracts where a period having been specified for performance, such period exceeds one year:

Provided further that nothing in this Act shall apply to to contracts~~x~~ ~~xx~~ which are not in writing, in cases where the money advanced exceeds fifteen rupees.

4. A. Nothing herein contained shall apply to breaches of contract on the part of artificers, workmen and labourers where such artificer, workman or labourer is a woman.

Exemption of women from the operation of the Act.

5. This Act may be extended by the Governor-General of India in Council or by the Executive Government of any presidency or place, to any place within the limits of their respective jurisdictions. In the event of this Act being so extended, the powers hereby vested in a Magistrate of Police shall be exercised by such officer or officers as shall be specially appointed by Government to exercise such powers.

Act may be extended by Government.

3297

To

The Secretary

Mysore Legislative Council.

Bangalore.

Hassan,

2nd. April 22.

Sir, 322

With reference to your No. 405 / L.C. dated 31-3-22 asking me to make the language of amendments 1,2, and 3 clear, I have the honour to state as follows:-

The Breach of Contract Act 13 of 1859, was introduced into Mysore, and made applicable into the whole of the State, by Government of India notification, as printed at page 20 of Vol. I of Mysore Code. The preamble as contained in the British India Act is still retained, though we are now having an Act of our own. The British India Act preamble says, "Whereas much loss and inconvenience are sustained by manufacturers, tradesmen and others in the several Presidency towns of Calcutta, Madras and Bombay, and in other places", etc. I have suggested that these words might be omitted from our Regulation, so that it when amended and reprinted in full may read as " Whereas much loss etc. ------ are sustained ------- in several places in the Mysore State etc."

2. Similarly in Sec. I as printed at page 21 of Mysore Code Vol.I, the section runs as follows :- where any artificer, etc. - shall have recieved from any master or employer resident carrying on business in any Presidency town or in any station of the settlements of Prince of Wales' Island, Singapore and Malacca or from any person acting on behalf of such master or employer etc." I think as observed by me about the preamble ~~an advance of money not exceeding Rs. 300/- on account of any work which he shall have contracted to perform~~ or

3797

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Mysore Legislative Council.

Bangalore.

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2nd. April 22.

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as the stage of inquiry till preliminary orders are passed for payment of money or performance of work, is merely quasi-civil and the proceedings are miscellaneous ones, and the words 'complain or 'complaint 'are technically used in the cases of crimes, as per defini of 'complaint' in Criminal Proceedure Code, and it is not the Breach of Contract , but this disobedience to Magistrate's preliminary order tha constitutes an offence as defined in the Crl. Pro: Code, I propose to maintain that distinction throughout the Act. Crl. Pro: Code ax. applies the word 'complaint' only to allegations made to a Magistrate in respect of the commission of an offence which is defined to be an act or ommission made punnishable by any law.

Many amendments I have proposed are based on this distinction that I suggest to be maintained.

5. Section 5 of Breach of Contract Act says; The Act may be extende by Governor-General etc.. and that the power vested in Magistrate of Police may be exercised by such Officer or Officers as shall be xpxi specially appointed by Government for this purpose. We have no spec kind of magistrates called Magistrates of Police, and as the Act is already extended to the whole of Mysore, there is no need to retain this section. So I have proposed thatthe expression " Magistrate of Police" may be ommitted, Sec. 5 of the Act, printed at page 22 of Vol. I of Mysore Code may be repealed and for the words " Magistrate of Police" the words "Magistrate of Ist. class or any magistrate specially empowered by Government in this behalf" may be substituted

As desired, I will send by tomorrow's post, a draft, showing hov I would propose the the full Act as amended, and as applied to Mysore may be, to make things quite clear.

I have the honour to be

Sir

Your most obedient servan

Library Assistant to Govt.

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As desired, I will send by tomorrow's post, a draft, showing how I would propose ~~the~~ the full Act as amended and as applied to Mysore may be, to make things quite clear.

I have the honour to be

Sir

Your most obedient servant

K Narayana Murthy for G.

G. R. S. VI—G/32]

SUBJECT.....

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.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the 191 .

Date of issue 21/4

Signed by Mr CAS

Section

File No.

Serial No

No. 457
A-C

To

M. S. Aaiyamdiah, Esq
Minister Member Legs el
Sir,

With reference
to the ~~Correspondence~~
Correspondence ending
with your letter of
3rd April 1922. Re
amendments to the
Bill to amend Breach
of Contract Act, I am
directed to state that

over.

that the Bill and
the amendments shall
be taken into consideration
at a future meeting
of the Legislature assembled.

I have the
honor
to
be
Sir
Your most obedient
humble servant

5/4

List of enclosures.

Copied by

Examined by

N. S. Nanjundiah,
Member, Mysore Legislative
Council, Hassan.

No. 3845

14th April 1922.

The Secretary,
Mysore Legislative Council,
B a n g a l o r e.

2

Sir,

With reference to the copy of amendment proposed by me to the Bill to amend the Breach of Contract Act, sent to me by you, I request that the following alterations may be kindly effected:-

Re: amendment No. 4,, Line 4, add the word "the" before the words 'first class'.

Re: amendment No. 6, for word "neglect" the letter "s" may be added.

Re: amendment No. 7, for the word "payment" please substitute the word 'repayment'.

Re; amendment No. 9, for the word "had", please substitute 'has'.

Re: amendment No. 12, for the word "Complainants", please substitute the word 'complainant'.

Re: amendment No. 15, for the words "or cases", please substitute the words 'or to cases'

Re. amendment No. 17, for the word "payment", please substitute the word 'repayment'

Re: amendment No. 18, for the words "section (2)" please substitute the words 'section 2 (2)', and for the word "payment" please substitute the word 'repayment'.

Re: amendment No. 19, for the expression, "any petitioner or artificer etc., ~~to~~ 2 A.", please substitute the following - 'any person aggrieved by any order passed by the Magistrate under sections 1 (2), 2 (1), 2 (2), 2 (3), or 2 A.,'

In the same section for the word"enquiry", please substitute 'inquiry'.

Re: amdandment No. 20, please insert a comma after each of the words"provided" and 'elapsed'.

I have the honor to be,
Sir,
Your most obedient servant,
K Nanjundiah
Member, M.L.C.

No 11

For

51057

FIN & REV. DEPT.
22 APR 1922

From

Office of the North-Mysore
Indian Planters' Association
Chikmagalur 4031

Dated 18th April 1922

To

The Hony: Secretary,
North Mysore Indian Planters'
Association
Chikmagalur

L 4479

To The Secretary to the Government
of H.H. the Maharaja of Mysore,
General Department,
Bangalore

JUDICIAL AND P
24 APR 1922
JUDICIAL DEPARTMENT

Sir,

In continuation of my letter
No. 7 dated 7th instant I have the
honor to forward for your information

The accompanying Copy of Proceedings
of this Association dated 16th instant

I have the honor to be
Sir
Your most obedient Servant
C. V. Van Dorn
Hony: Secretary

C.V.

Proceedings of the Extraordinary Meeting of the Members of the North Mysore Indian Planters' Association Chikmagalur held at 4.30 P.M. on Sunday the 16th April 1922 in the Chikmagalur Club.

Members present:

1. Mr. C Srinivasa Rao — President in the Chair
2. " D. Srinivasa Rao —
3. " N. Shama Rao —
4. " C. Vasudeva Rao, Hony: Secretary
5. " N. Kesavachar

meeting of the Planters' Association, and submit the same for the consideration of Government. This question has not been taken up by them till now.

Dewan.—Have the Indian Planters mooted this subject?

Mr. C. Vasudeva Rao.—They have not.

Mr. Rasul Khan.—They have not discussed the question. I am a member of the Association.

Mr. Ananthaiya.—Labourers get 8 to 10 annas a day elsewhere. As is in vogue now, these coolies are paid much less than what they can get elsewhere. This will not enable them to repay the advance taken by them at all. In the interest of both the planters and coolies, a rule may be laid down to the effect that a cooly should not be advanced more than Rs. 25 and that he should be paid such wages or pay, as he can earn elsewhere. This will not only safeguard the interest of the planter, but also enable the cooly to repay the advance. It is only such class of people as Voddas, Madigas, Korachas and Lambanis that enter into this kind of service. Their wages work out at one to two annas and as the Government is interested in the welfare of the depressed classes it is a point for consideration whether a rule to the above effect may not be passed.

Second Member of Council.—Are you speaking for Shimoga or also for Hassan?

Mr. Ananthaiya.—For Shimoga.

Second Member of Council.—Hassan wants a raising of the maximum amount, and labour is mostly from South Canara.

Mr. Ananthaiya.—Holeyas and Voddars of Mysore are also included. They simply cannot live.

Mr. C. Vasudeva Rao.—It is desirable to introduce an amendment in the Act, laying down that a cooly should not be advanced more than that what he is able to repay. A distinction between a cooly and a maistri is also necessary and the former may be advanced only Rs. 25 as he cannot, earn much and repay large advances, while the latter may be advanced Rs. 1,000 or more on securities.

Mr. Murgesam Pillai—The Breach of Contract Act should be repealed as it causes great hardship and inconvenience to the poor people who work under the planters. The terms entered into between them will not be strictly adhered to. The cooly being generally ignorant and at the mercy of the planter, cannot clearly understand adjustment of his account out of the sums due to him. In many cases there will be no details of terms in the agreement entered into between them, and the result will be to the disadvantage of the poor.

Mr. Abbas Khan.—There is a complete remedy in civil courts for all moneys advanced and not recouped. In Bangalore and other places, petitions praying for the issue of warrants will not be entertained by the Magistrates, the case being of a civil nature, but the case seems to be different in *malnad* parts. As there will be a regular contract between the parties and the case is of a purely civil nature, the existing difficulty in the *malnad* can easily be obviated by the Magistrates. There is no necessity for repealing the Act.

1269
10

Ir. Purushottama Anandagiri Goswami.—If the Breach of Contract Act is repealed, it will be a great hindrance to the progress of industries which are at present in a flourishing condition, as it is mainly from coolies that industries can be carried on. If large sums are not advanced, coolies will not be readily available. In Civil Courts, there is undue delay and there is again the question of costs. The Act is necessary and by its repeal, we will also in a way be depriving them of their livelihood. It is therefore undesirable to repeal the Act.

Mr. Syed Khaja Peeran.—The Act is necessary and entails no hardship. The wife and children need not work out the amount. The Act does not apply to them, and warrants cannot issue against them. Cash should have been paid before action can be taken. It is necessary to advance high sums to coolies to meet their requirements, as small sums may not always serve their purpose. A marriage means not less than Rs. 300. The men must of course be enforced to repay the sum and stick to the contract. So, the repeal of the Act is not necessary.

a deceased coolie

Second Member of Council—It is the Government of India Act that is now in force here and we have to follow it strictly. If they repeal it, we will also do the same.

Dewan.—The amendment of the Breach of Contract Act is now under consideration, and the question will be disposed of early.

Sd. The Select Committee report on the Bill to amend the Breach of Contract Act has not yet been considered by the Legislative Council. Nor was not taken up for the last two meetings of the Council

Sd 24/11

Sd 24/11

Now it is proposed that the Select Committee report on the Bill and Mr V.S. Ramiah's amendments thereto may be presented at the next meeting of the Legislative Council.

Sd 24/11 — This will be placed in the mantle.

Yes Sir 24/11

Sd 24/11

1269
P

Mr. Purushottama Anandagiri Goswami.—If the Breach of Contract Act is repealed, it will be a great hindrance to the progress of industries which are at present in a flourishing condition, as it is mainly from coolies that industries can be carried on. If large sums are not advanced, coolies will not be readily available. In Civil Courts, there is undue delay and there is again the question of costs. The Act is necessary and by its repeal, we will also in a way be depriving them of their livelihood. It is therefore undesirable to repeal the Act.

Mr. Syed Khaja Peeran.—The Act is necessary and entails no hardship. A deceased coolie's wife and children need not work out the amount. The Act does not apply to them, and warrants cannot issue against them. Cash should have been paid before action can be taken. It is necessary to advance high sums to coolies to meet their requirements, as small sums may not always serve their purpose. A marriage means not less than Rs. 300. The men must of course be enforced to repay the sum and stick to the contract. So, the repeal of the Act is not necessary.

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Now it has been added that the Select Committee report on the Bill with Mr V.S. Rangaiyar's amendments thereto may be presented at the next meeting of the Legislative Council.

Sd 24/11 — This will be placed in the mantle.

Yes 24/11

Sd 24/11

5. We, therefore, beg your Honour's mercy to kindly consider the matter fully and save the whole Planters population by not interfering with the present Act by withdrawing it from the Statute Book.

6. If the Government are so eager as to pay heed to the resolution of a handful of planters in this direction, we beg to request that an opportunity may at least be provided for the whole Planting community to show to Government that the said resolution is only based on interested motive and that the withdrawal of the Act will work more hardship than the imaginary benefit advocated by the present movers.

We beg to remain,

Sir,

Your most obedient servants,

Chikmagalur,

Dated

J. Narasinga Rao.

M. Krishna Rao.

C. Veeranna Gowda

G. R. S. VI.—G/9]

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

GENERAL AND REVENUE SECRETARIAT.

DATED *Bangalore,* 23/1/1923

No. 9879 Leg.

ENDORSEMENT.

Granted to Mr. B. A. Deva Gowda & Others Coffee Planters of the Kadur dt. Chickmagalur

In reply to ~~his~~ their petition dated presented to the Dewan on 31.1.23 in the matter of the repeal of the Breach of Contract Act, Mr Deva Gowda & Others ~~petitioners~~ are is informed that Government do not contemplate the repeal of the enactment at present.

By Order,

Secretary to Government.

D 1251—GRR—5,000—4-2-19.

G. R. S. VI—G/32]

SUBJECT.....

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Diary No. of letter replied to——————

General and Revenue Secretariat

( )

, the *191* .

Date of issue 29/3/

Signed by M^r Cae

Section

File No.

Serial No

No. 741
2. e

To

M. S: Narayan Rau, Esq
Mysore Legislative

Sir,

With reference to the enclosure you had with the 2nd Minutes of Council dated 19th Dec 1922 Re. the amendments sent to the Branch of contract amendment Bill sent by you

over.

in April 1892, I am
directed to request you
to be so good as to
send us your early
direct the required proposals
in the matter as
agreed upon by you

I have etc
(or)
Secy. Legn.

List of enclosures.

Copied by

Examined by

N. S. NANJUNDIAH,
Member, Mysore Legislative
Council, Hassan.

10th April 1923.

To

The Secretary,
Mysore Legislative Council,
B a n g a l o r e.

Sir,

In modification of amendments originally proposed by me to the Bill to amend the Breach of Contract Act, I send the following amendments only:-

Renumbered as clause 1 (2)(a)

I. In Clause 2 (a), (i). omit the word and after "inserted".

(ii) Adda a sub-clause (b) as follows: - - -

"after the word 'or' after the comma following the word 'perform' and before the words 'to get performed by any other etc.," insert the words - "an advance of money not exceeding rupees one thousand on account of any work which he shall have contracted; and"

(iii) Re-number sub-clause (b) as (c).

II. In clause 2 (i), for the words "not exceeding three hundred rupees", substitute the words, "as aforesaid", or, after the words three hundred rupees" omit the comma and add the following words "or one thousand rupees, as the case may be".

III. In clause 2, add another proviso as follows:-

Provided also, that no complainant as regards non-compliance with an order under section 2 (2), shall be entertained unless the complainant be brought within one month of the date allowed for the repayment of money or for performing the work or getting the same performed, or within one month from the date of making default in complying with any such order".

I have the honor to be,
Sir,
Your most obedient servant,
N. Nanjundiah
Member,
Mysore Legis. Council.

R. O. 66.—R. P. B.—12-1922.—1,000.

VERY URGENT.

THE MYSORE RESIDENCY,

Bangalore, 2nd August 1923.

Dear Sir,

I request you to be good enough to send another copy of the Bill to amend the Breach of Contract Act, XIII of 1859 together with copies of the Select Committee report thereon which formed an enclosure to letter No. Pol.65, dated the 25th July 1923.

Also I request you to kindly see that, such important ~~matters~~ copies in future are sent in triplicate.

Yours Sincerely,
C. Sankaranarayanan

C.E. Rama Rao, Esq., B.A.,
Registrar,
Gen. & Rev. Secretariat,
Bangalore.

very Urgent

C. E. Rama Rao, Esq., B.A.,

Registrar,

Gen. & Rev. Secretariat,

Bangalore

G. R. S. VI—G/32]

SUBJECT.....

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*Diary No. of letter replied to*_____

General and Revenue Secretariat

( )

, the *191* .

Date of issue 2/8/20

Signed by

Section

File No.

Serial No

No. 1647 (2)

To

C. K. Srikantaiah Esq., B.A., B.L.

Mysore Reviewer

Dear Sir

As desired
by this date
yours ~~&c~~ &c we
Register Rev, I
~~am~~ send herewith a
Copy of the Rule
amended the Rules
of contract sec-
tion together with
Copy of the over.
Government report thereon
for early

My
2/8